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POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, June 8, 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 June Warren.

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, Assistant Borough Manager Jason Bobst and Borough Secretary Virginia Takach. Manager Lopez was absent.

APPROVAL OF MINUTES

Motion by Councilor Wenzel, seconded by Councilor Berry, to approve the May 11, 2009 Council Meeting minutes as presented.

Mayor Thomas requested that the minutes be amended to include in her Mayor's report of May 11th, the following verbiage: "Too long the emphasis has been on 'rights' to the neglect of responsibility. Now everyone feels entitled to do things their way." She also requested that the words. .. 'at the Spray Park' be included in her report.

The amended minutes then carried: 7 ayes.

Motion by Councilor Wenzel, seconded by Councilor Berry to approve the May 20, 2009 Special Council Meeting minutes as presented. Motion carried: 7 ayes.

PUBLIC HEARING – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Solicitor Garner explained the requirement for a public comment period as part of the application of the Edward Byrne Memorial Justice Assistance Grant (JAG). He advised that the proposed grant application would seek the amount of \$29,531.

Chief Flanders added that the proposed uses would be a new server for the Borough Hall building security, a K-9 addition with the balance to be used for various quality of life issues.

Cynthia Wallace, 454 Walnut Street – questioned if any sensitivity training for officers is sited in this grant.

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Chief Flanders noted that sensitively training and other training sessions are ongoing throughout the year and not specifically earmarked in this grant.

The public hearing closed at 7:10 pm.

COMMENTS FROM CITIZENS PRESENT

a. Bruce Madara, 542 North Adams Street – requested that trash on North Adams Street be addressed when concerned citizens call Borough Hall.

b. Newstell Marable, 880 Cross Street – reiterated his concerns regarding the operations of the Ricketts Community Center. He added that the letter of response received from the Council President was evasive and no community meetings have been held.

Mr. Marable also commented on the proposed Human Relations Commission Ordinance amendment, an organization that he started, stating that something is wrong with the organization if a quorum cannot be reached with nine members.

c. Raymond Burrel, 344 Cherry Street – agreed with the comments expressed by Mr. Marable regarding the Ricketts Center.

d. David Garber, 457 North Evans Street – expressed concern about the new regulations for the handicap ramps. He sited the new ramps at State and Manatawny Streets not being placed at the corners. Mr. Garber also complained about the treatment of the blue recycling bins by the haulers.

e. Herman Sims, 454 Walnut Street – questioned the elimination of one of the fire stations.

f. Cynthia Wallace, 454 Walnut Street – also questioned the proposal of outsourcing all jobs and stated that this would result in more taxes for the Borough.

g. Michelle Borzick, 304 Lemon Street – spoke as a Borough employee and spoke in opposition of the release of Borough Manager Ray Lopez, stating that it was not the right thing to do and not in the best interest of the Borough. Ms. Borzick also stated that none of the Borough employees were interviewed by the people that put the EIP report together.

h. Rick Stuber, 16 Highview Lane – also spoke as a Borough employee and Codes Officer for the last 13 years and his accomplishments. He urged Council to treat the Borough as a business and not continue to cut services and raise taxes. He added that he did not understand the release of Mr. Lopez, stating that Mr. Lopez was the best General Manager in the Borough in the last 13 years.

i. Josiah and Tiffany Kuenzi, 369 Beech Street – Mr. Kuenzi expressed concern regarding the recent shooting in his block on Beech Street and the lack of street lights. He also stated that his son is handicapped and requested consideration for occasionally having to

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double park to load and unload equipment.

j. Ed Clark, 3037 Shire Drive – spoke as President of the Joint Veterans Council and requested consideration to waive the \$1,000 permit fees for future Memorial Day parades, stating that the Veterans Council has no income to provide for these fees. Mr. Clark invited all to the Internment Ceremony for Brig. Gen. (Dr.) Elmer Friedberg USAF (Ret.), on July 1st at Arlington National Cemetery.

k. Philip Thees, 63 South Evans Street – thanked all for their efforts in getting the former Mrs. Smith’s Pie building repaired. He also expressed a concern in authorizing a 10% or \$70,000 contribution towards the improvements of Route 100, a State road, adding that the Borough should not contribute any money for improvements to a State road. Mr. Thees also objected to outsourcing any jobs in the Borough, noting that the jobs should not be given to people simply because they possess a College degree.

l. Anna Johnson, 515 Chestnut Street – requested the installation of speed bumps in her block for the safety of the children in the area.

m. Jonathan Corson, 514 Jefferson Avenue – commented on the report given by Jim Smith, CEO for the Olivet Boys & Girls Club, at the recent Committee of the Whole meeting, stating that everything that that Mr. Smith has done was denied by John Reber and the Ricketts Center from accomplishing. He also objected to not appointing John Reber to oversee the Ricketts Community Center. Mr. Corson also stated the Century 21 Club should be paying a fee for use of the Center.

MAYOR’S REPORT

Mayor Thomas thanked the Public Works Department for handling the May 20th main break on High Street. She also noted that the Edward Byrne Justice Assistant Grant listed on the agenda, shows the forward thinking of the Police Department in considering a security server for the building and the other quality of life issues for the Borough. Mayor Thomas also announced the resignation of Detective R. John Havrilak effective June 24, 2009 and noted his accomplishments, specifically the allay of a possible Columbine event at the Pottstown High School.

The Mayor also quoted from the Borough Code of Ordinances regarding the role of the Mayor, stating, “The Chief of Police shall be the chief executive of the Police Department. Under the direction of the Mayor, the Chief of Police shall be in charge of the police force and shall have supervision over its members and shall prescribe rules and regulations for the exercise of their powers, duties and authority.” She added that this may be helpful in the review of the Management Partner’s process regarding the Borough’s operational and financial analysis.

Mayor Thomas commented that the Human Relations report is forthcoming.

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BOROUGH MANAGER'S REPORT

Assistant Manager Bobst also thanked the Public Works Department and all involved in resolving the water main break on High Street. Mr. Bobst also reported that two grants were received from the State, one a \$1.7 million dollar Smart Transportation grant for the restriping and streetscape of Hanover Street. A federal grant of \$225,000 for the Safe Routes to School Program for safe walking routes for the five elementary schools was also received.

Mr. Bobst also advised that preliminary results for the Revitalization Grants for the TriCounty Performing Arts Center project is recommended for \$396,000 and the Homeownership Initiative Program is recommended for \$150,000. He added that the former Hess Lot will be postponed until 2010. Final approval is expected by the County Commissioners in early July. He added that the Auditors should be making a presentation to Council by August. Mr. Bobst also noted that the State flag will fly at half-staff until June 12th in honor of slain Trooper Joshua Miller, Monroe County.

COMMITTEE REPORTS

- a. Library – Councilor Allen had nothing to report.
- b. Human Relations – Mayor Thomas again referred to the proposed Ordinance amendment listed on the agenda. She noted that the Reading Human Relations Commission has a seven-member commission for a population of 80,000. She added that the recommendation of reducing the Borough's number of members from nine to five would assist in the flow of duties, assignments and accomplishments.
- c. PDIDA – Councilor Berry advised that progress continues in attracting businesses to Pottstown in partnership with the TriCounty Chamber of Commerce.
- d. Cable – There was no report.
- e. COG – President Garner noted that John Reber provided a presentation at the May 12th meeting.
- f. EAC – There was no written report.
- g. Regional Planning – Councilor Toroney advised that the committee is considering amendments to the Comprehensive Plan for two areas in West Pottsgrove and Upper Pottsgrove.
- h. Blighted Property Review – Solicitor Garner referred to minutes of the April meeting.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

a. Presentation – EIP Report – Julia Novak and Jonathan Ingram from Management Partners were present to provide a summary of the Early Intervention Program recommendations. The program is offered under the Department of Community and Economic Development to provide assistance for financial and operational analysis. Recommendations included a further reduction in staff as a cost saving measure, along with the elimination of the police dispatch and the merger of the Pottstown Borough Authority and the Public Works Department and the elimination of the Public Works Director and Assistant Borough Manager positions.

Ms. Novak advised that the Management Team was interviewed to review operations and types of data used to conduct business in each department. She added that areas in need of attention include the aging infrastructure and equipment and a capital investment plan. Ms. Novak also noted there was a lack of data and management performance measures. She advised that implementing the recommendations over the next five years would save the Borough taxpayers nearly \$370,000 per year.

Mr. Ingram suggested implementing mandatory supervisory training in order to reduce the number of labor relations issues and establishing performance evaluations for all employees. He also stated that the job descriptions did not accurately reflect the minimum qualifications necessary to do the job. Mr. Ingram also mentioned that the Codes Department should be reduced by one code enforcement officer and repeated Codes violators should receive increased fines. He also explained the cost savings in eliminating the Dispatch Center and partner with the Montgomery County Radio System and changing the twelve-hour shifts to eight-hour shifts in the Police Department.

Councilor Gibson objected to the idea that Management Partners did not interview employees of the departments. He also stated that the recommendation for the elimination of the Dispatch Center would not be as simple as presented according to a letter from the communications supervisor in Montgomery County.

Mayor Thomas questioned the cost saving of not have the local dispatch center, Borough lock-up facilities or the use of video arraignments.

Councilor Toroney suggested having a special meeting to allow the Department Heads to make a presentation to Council with respect to the report and its findings.

Councilor Wenzel motioned to acknowledge receipt of the report from Management Partners. Councilor Berry seconded the motion.

Councilor Toroney commented that the report should simply be date stamped as any other report presented to Council.

Solicitor Garner advised that acknowledging receipt of the report would in no way be considered its acceptance, approval or commitment of Borough Council regarding the report.

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President Garner commented that the report was funded through the State and the Borough and should be acknowledged by Council as a report and requested a roll-call vote.

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

Motion carried: 4 ayes, 3 nays.

b. 2009 Edward Byrne Memorial Grant – Motion by Councilor Wenzel, seconded by Councilor Berry to adopt a Resolution authorizing a Memorandum of Understanding with Norristown Borough and Cheltenham Township for the submission of a grant application for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$29,531, to be utilized for programs to enhance Quality of Life issues and to initiate the thirty (30) day open comment period.

RESOLUTION NO. 2009-20

RESOLUTION OF POTTSTOWN BOROUGH COUNCIL MEMORANDUM OF UNDERSTANDING FOR 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM APPLICATION

WHEREAS, the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has approved the submission of a joint application from the Municipality of Norristown, Cheltenham Township, and Pottstown Borough for the 2009 Edward Byrne Memorial Justice Assistance Grant Funds contingent on a Memorandum of Understanding as Exhibit “A.”

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

1. The Borough of Pottstown hereby honors the request of the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance as outline in the Memorandum of Understanding (MOU) for the 2009 Edward Byrne Memorial Justice Assistance Grant Application, designating the Municipality of Norristown as the applicant/fiscal agent for the allocation of the joint funds. The MOU is attached to the grant application as Exhibit “A.”

RESOLVED, ENACTED and APPROVED by the Burgess and Town Council of the Pottstown Borough this 8th day of June 2009.

Motion carried: 7 ayes.

c. Route 100 & Shoemaker Road Improvement – Motion by Councilor Berry, seconded by Councilor Allen to conceptually allocate ten-percent (10%) of the total projected cost of the Route 100 & Shoemaker Road Intersection Improvement, with a total contribution not to exceed \$70,000.

Councilor Allen commented that she would like to see the improvements to the Borough’s section of Route 100, as have been done in the Township sections.

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Councilor Rhoads stated that he would prefer to wait until after the budget process begins prior to committing \$70,000 for road improvements.

President Garner noted that the contribution would be in association with the anticipated funds from the Wal-Mart Development project.

Councilor Berry chose not to amend the motion to commit that the funds would come from Wal-Mart.

Councilor Toroney commented he would agree to the commitment only if the funds were associated with the Wal-Mart contribution. He added that the County will be giving the Borough Economic Development money and wanted to be sure the Borough does its part for Economic Development. He would not agree to the contribution coming from the General Fund.

President Garner requested a roll-call vote.

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

Motion denied: 2 ayes, 5 nays.

d. Route 100 & Shoemaker Road – Motion by Councilor Allen, seconded by Councilor Toroney to allocate ten-percent (10%) of the total projected cost of the Route 100 & Shoemaker Road Intersection Improvement, with a total contribution not to exceed \$70,000 with funds coming only from the contribution of the Wal-Mart Development Plan.

President Garner clarified that the Wal-Mart Funds would be the only source from which the 10% allocation should come and requested a roll-call vote.

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

Motion carried: 5 ayes, 2 nays.

e. Intermodal Transit Facility – Motion by Councilor Wenzel, seconded by Councilor Toroney to approve in concept the proposed Pottstown Intermodal Transit Facility, to be located at Security Plaza with funding through the American Recovery and Reinvestment Act (ARRA) funding in an amount not to exceed \$457,204.

Mr. Bobst confirmed these funds are 100% federal funds with no match.

Motion carried: 7 ayes.

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f. PART Operation Agreement – Motion by Councilor Toroney, seconded by Councilor Wenzel to approve the annual Operation Agreement with Pottstown Area Rapid Transit. Motion carried: 7 ayes.

g. Make Our Future Work/Buy American Initiative - Motion by Councilor Wenzel, seconded by Councilor Rhoads to adopt a Resolution in support of the Make our Future Work/Buy American initiative as presented by the United Steelworkers Union.

RESOLUTION NO. 2009 - 21

2009 RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment, and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

WHEREAS, Congress approved and President Obama signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities, and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy, and

WHEREAS, any economic recovery plan spending should – to every extent possible – include a commitment from the Borough of Pottstown to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

THEREFORE, BE IT RESOLVED THAT, we the undersigned will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

BE IT FURTHER RESOLVED THAT, we commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the Borough of Pottstown by the American taxpayers, AND

BE IT FURTHER RESOLVED THAT, as legislators of the Borough of Pottstown, we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

ENACTED and RESOLVED this 8th day of June 2009.

Motioned carried: 7 ayes.

h. Home Improvement Contractors – Motion by Councilor Wenzel, seconded by Councilor Toroney to authorize the Solicitor to prepare and advertise an Ordinance to require Home

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Improvement Contractors to demonstrate registration with the Commonwealth of Pennsylvania, as required by Act 132.

Solicitor Garner explained the requirement of Act 132 authorizing home improvement contractors to register with the State. This preempts the Borough's right to register contractors. He added that the State's requirement would require the Borough to amend its existing ordinance and to ensure that contractors provide adequate insurance information.

Motion carried: 7 ayes.

i. Bark Park & Mini Golf Fees – Motion by Councilor Wenzel, seconded by Councilor Berry to adopt a Resolution amending the Comprehensive Fee Resolution establishing fees for the Bark Park and the Mini Golf Facilities as recommended by the Parks & Recreation Department.

RESOLUTION NO. 2009 – 22

A FEE RESOLUTION AMENDING THE COMPREHENSIVE BOROUGH FEE RESOLUTION TO CREATE ADDITIONAL FEES FOR THE POTTSTOWN PARK AND RECREATION DEPARTMENT.

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

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

WHEREAS, based upon the request of the Director of Parks and Recreation, the Burgess and Town Council wishes to establish the following additional fees relating to the Bark Park and the proposed Miniature Golf Course established at Memorial Park.

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 are hereby created to cover costs associated with the use of the Bark Park under the supervision and control of the Pottstown Parks and Recreation Department:

<u>Type of Fee</u>	<u>1 Dog</u>	<u>Multiple Dogs</u>
Annual Membership/Maintenance Fee - Borough Resident	\$25.00	\$40.00
Annual Membership/Maintenance Fee - Nonresident	\$40.00	\$70.00

SECTION 2. The following fees are hereby established for the proposed Miniature Golf Course to be constructed at Memorial Park:

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<u>Category of User</u>	<u>Cost Per Game</u>
Adults (ages 13-49)	\$6.00
Youth/Senior (ages 12 & under or ages 60 & over)	\$5.50
Group Rate (15 or more participants)	\$4.50/per child \$5.50/per adult (1 adult chaperone plays free for every 15 paying participants)
ADA Accessible Course (9 holes)	\$3.00 per person

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 8th day of June 2009.

Motion carried: 7 ayes.

j. Human Relation Commission – Motion by Councilor Allen, seconded by Councilor Toroney to adopt an Ordinance amending the Human Relations Commission Ordinance changing the number of members from nine (9) to (5).

ORDINANCE NO. 2061

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SUBPART B, HUMAN RELATIONS COMMISSION, 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 AMEND THE NUMBER OF HUMAN RELATIONS COMMISSION MEMBERS FROM NINE (9) TO FIVE (5).

Councilor Rhoads commented that this is a people commission and should be maintained as a nine-member commission.

Mayor Thomas advised that the number of people does not give to the credence of an organization. She added that two present members are expected to be reappointed.

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

k. Cable Commission Appointments – Motion by Councilor Wenzel, seconded by Councilor Berry to reappoint Dennis Wausnock and Dene Liott to the Pottstown Cable Commission for three (3) year terms to expire June 1, 2012.

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Motion carried: 7 ayes.

l. Gulf Station, 615 High Street – Motion by Councilor Wenzel, seconded by Councilor Toroney to grant preliminary/final approval of the Gulf Station Revised Plan, located at 615 High Street, subject to satisfying the following conditions within 90 days:

- a) Compliance with the Bursich letter of May 11, 2009
- b) Preparation and execution of a Developer's Agreement
- c) Incorporation of a tree planting plan with 13 new trees as recommended by the Planning Commission
- d) Payment in full of all Borough Review Fees

Councilor Rhoads requested that the plan be reviewed by the Public Works Director to make sure no trees would be planted over an existing arch and that the planting of the trees would not cause damage to the sidewalks.

The Engineer for the project was present and explained that the arch runs directly underneath the building and offered to provide the survey drawing.

Councilor Rhoads was satisfied with this explanation.

Motion carried: 7 ayes.

m. Gulf Station, 615 High Street – Motion by Councilor Berry, seconded by Councilor Wenzel to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Gulf Station Revised Plan:

- a) Section 504, 505, 507 – requirement of shade trees and open space trees
- b) Section A402.2 – requirement of contour elevations within 100 feet of site
- c) Section A527 – requirement of planting strip between curb and sidewalk

Motion carried: 7 ayes.

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

- a) 247-249 East High street
- b) 1112 East High Street
- c) 100 East High Street, Smith Family Plaza
- d) 441 King Street
- e) 252 East High Street
- f) 137-139 East High Street
- g) 261 East High Street
- h) 221 East High Street

Motion carried: 7 ayes.

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o. HARB - Motion by Councilor Wenzel, seconded by Councilor Allen to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

- a) 377 High Street
- b) 29 North Hanover Street

Motion carried: 7 ayes.

p. EMC – Motion by Councilor Wenzel, seconded by Councilor Berry to recommend the appointment of Jason Bobst as Emergency Management Coordinator for the Borough of Pottstown.

Motion carried: 7 ayes.

q. Acting Borough Manager – Motion by Councilor Wenzel seconded by Councilor Berry naming Jason Bobst Acting Borough Manager with an effective date of June 21, 2009. Motion carried: 7 ayes.

r. REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Toroney to pay the outstanding bills in the amount of \$1,647,044.03 Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Gibson questioned the Solicitor on the procedure for Council to reorganize or the procedure regarding a no confidence vote.

Solicitor Garner responded that Borough Council is free to reorganize at any time under the Borough Code.

s. Reorganization – Motion by Councilor Gibson, seconded by Councilor Rhoads to reorganize Borough Council.

President Garner requested a roll-call vote.

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

Motion carried: 4 ayes, 3 nays.

t. Reorganization – Motion by Councilor Gibson, seconded by Councilor Rhoads to list as the first order of business for the next Committee of the Whole, the reorganization of Borough Council.

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

Motion carried: 4 ayes, 3 nays.

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Solicitor Garner confirmed that reorganization is the renaming of Officers and Consultant by Borough Council. He noted that the Mayor may not be the presider over the meeting and will confirm this to Council by email.

Councilor Toroney thanked all those involved for the flowers and baskets in the Smith Family Plaza.

ADJOURNMENT

The meeting adjourned at 9:40 p.m. on motion by Councilor Allen.

Submitted by,

Jason M. Bobst
Assistant Borough Manager