

July 13, 2009

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, July 13, 2009 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with Vice President Gibson in the Chair.

### INVOCATION

The invocation was provided by Bishop Everett Debnam.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Councilors present were Mark Gibson, Michael Wenzel, Greg Berry, Jody Rhoads and David Garner. Also present were Mayor Sharon Thomas, Solicitor Charles Garner, Acting Borough Manager Jason Bobst and Borough Secretary Virginia Takach. President Toroney and Councilor Allen were absent.

### APPROVAL OF MINUTES

Motion by Councilor Wenzel, seconded by Councilor Rhoads, to approve the June 8, 2009 Council Meeting minutes as presented.

### PUBLIC HEARING, 7:00 P.M. – SOLAR PANEL ORDINANCE

Solicitor Garner explained the procedure for the public hearing in order to amend the Zoning Ordinance. He added that the procedure has been followed and the amendment has been recommended by the Montgomery County Planning Commission and the Pottstown Planning Commission.

a. Newstell Marable, 880 Cross Street – questioned the size of the panels permitted within the Ordinance.

Solicitor Garner responded that the Ordinance does regulate size but if less than eight square feet of a solar panel there would be no need for a permit.

The public hearing closed at 7:09 p.m.

### COMMENTS FROM CITIZENS PRESENT

a. Dan Weand, 1010 North Evans Street – requested a unanimous vote to conduct a forensic audit of the Borough finances and an operations audit. He added that the operations audit would be to explain, and oversee all duties as assigned of all employees of the Borough. Mr. Weand also commented that the Homeownership Initiative program should be the highest priority for revitalization of the Borough. He also requested a thorough examination of the committees and commissions and a review of the illegal bike racks positioned in the Borough.

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- b. Cordova Tucker, Laurel Street – expressed a concern regarding unkept rental properties in the area, including discarded tires and rocks.
- c. Mike Tucker, Laurel Street – also complained about the basketball courts at the end of Laurel Street with children causing disturbances and also uninspected cars up on blocks.
- d. Ralph Ludy, 707 Hamilton Street – advised the Trash Committee that the Mascaro haulers were dumping recycling into the regular trash.
- e. Bonnie Heath, Feist Avenue – welcomed Vice President Gibson and the new organization of Council and thanked Mr. Garner and Mr. Berry for their efforts as former President and Vice President of Council.
- f. Newstell Marable, 880 Cross Street – reiterated his concern regarding the Ricketts Community Center and the closing of the former Gruber Pool, in which he was instrumental in its development. He added that it was illegal to transfer the Ricketts Center to the Olivet Boys & Girls Club without public meetings and if the name was properly changed in Norristown.
- g. Ray Burrell, 344 Cherry Street – complained about the condition and illicit activities of the Borough parks at South and Washington Streets and the Cherry Street Park and requested more Police protection in that area.
- h. Johnny Corson, 544 Jefferson Avenue – apologized to former Council President Garner for any offensive remarks at last month's meeting. He also expressed concern that John Reber was not assigned to oversee the Ricketts Center and also requested that the Riverfront Park be named after Ron Downie.
- i. Karen Ludy, 707 Hamilton Street – provided pictures to Council regarding the lack of alleys where they should be in the area of 317-323 Grant Street, which are covered with trash and debris. She added that the Codes Department told her that since there are four owners on the deed, nothing could be done.
- j. Helen Mackewicz, 73 North Evans Street – requested that the destruction of records, listed on the agenda, not take place in light of the suggestion for a forensic audit of the finances.

#### MAYOR'S REPORT

Mayor Thomas commented that she asked the same question in 2006 regarding the destruction of records in a challenging budget year. The Mayor also stated that 50% of the population worldwide is age 15 and under and advised that the youth has a great charge in the formulation of the revitalization of the town but the responsibility is with the adults to set the infrastructure and pass on to the youth. She added that she appreciated the involvement of the young people during the July 4<sup>th</sup> activities and noted that she chose a diverse blend of children to accompany her in the parade. Mayor Thomas also reported that Bethel AME Church is seeking to build a new house of worship and community center, preferably to remain in the area of Beech and Franklin Streets.

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## BOROUGH MANAGER'S REPORT

Acting Manager Bobst advised that official notice was received that the Revitalization Grants were awarded for the TriCounty Performing Arts Center in the amount of \$396,000 and \$150,000 for the Homeownership Initiative. Mr. Bobst added that there was also preliminary approval for the Community Development Block Grants in the amount of \$200,000 for stormwater arches to assist the \$240,000 match received from the EPA when the Walnut Street Arch collapsed in 2004.

Mr. Bobst also noted that the Train Station Canopy project is under 60% design review and should be available for bid in August and construction to start in spring 2010. He also advised that the first site meeting for the Fire Study was held on June 19<sup>th</sup> and the review should be available by mid August. Mr. Bobst reported that a meeting was held with Rettew regarding the ADA ramps and should have a cost proposal in the near future. He added that Staff met with the TriCounty Community Network with regards to the PART system and social services network. He also noted that a draft agreement with Maplewood Video was discussed at a recent meeting and comments and recommendations will be provided at the August meeting along with an Audit presentation.

## COMMITTEE REPORTS

- a. Library – There was no report.
- b. Human Relations – Mayor Thomas advised that the Commission will be hosting a table at the substation office during the August 4<sup>th</sup> National Night Out regarding Landlord tenant concerns.
- c. PDIDA - Councilor Berry reported that items discussed were the application of the Love Tap Grant, First Saturday events, the October 4<sup>th</sup> Carousel of Flavor event, the landscaping of the Park & Shop lot and the new site barrier for the former Slack Shack property. Mr. Berry added that an inventory of the downtown properties and identifying and marketing properties continues along with a change in perception to the lack of cooperation and poor customer service from the Codes Department. Mr. Berry also reported that a new restaurant is expected at the 107 East High Street property by November.
- d. Cable – There was no written report provided.
- e. COG – Councilor Garner advised that the next meeting is September 8<sup>th</sup>.
- f. EAC – Jim Derr referred to minutes of the last meeting and noted that the ongoing issues are composting, recycling and stormwater awareness.
- g. Regional Planning – There was no report.
- h. Blighted Property Review – Solicitor Garner referred to the minutes of the May meeting. The next meeting is July 23<sup>rd</sup> and the ADA representative is expected.

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UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Promotion to Sergeant – Motion by Councilor Wenzel, seconded by Councilor Rhoads to promote Detective Corporal Brian Rathgeb to the rank of Sergeant in the Pottstown Police Department effective immediately. Motion carried: 5 ayes.

b. Promotion to Corporal – Motion by Councilor Wenzel, seconded by Councilor Rhoads to promote Detective Edward Kropp, Sr., to the rank of Corporal in the Pottstown Police Department effective immediately. Motion carried: 5 ayes.

Mayor Thomas, along with Chief Mark Flanders, made the appointments to Sergeant Rathgeb and Corporal Kropp in the presence of their families and fellow officers.

c. Presentation – Good Schools PA – Municipal Manager David Forrest, Norristown, was present and provided background and statistics regarding the study that would reduce funding for public school students to the 2006 level. He explained that the shortage would be burdened by the taxpayers. Mr. Forrest urged Council to join officials of Norristown to go before Harrisburg to object to Senate Bill 850, which would radically reduce state education funding.

d. Conditional Offer of Employment – Motion by Councilor Wenzel, seconded by Councilor Rhoads to authorize the Chief of Police to extend a conditional offer of employment to the next eligible candidate from the Civil Service Eligibility List. Motion carried: 5 ayes.

e. Traffic Studies – Motion by Councilor Rhoads, seconded by Councilor Wenzel to authorize the Police Department to conduct traffic studies in the areas of Chestnut and Washington Streets and King and Warren Streets for possible four-way stop intersections at the request of the Parking Committee. Motion carried: 5 ayes.

f. Police Pension Ordinance – Motion by Councilor Wenzel, seconded by Councilor Rhoads to authorize the Solicitor to prepare an amendment to the Police Pension Ordinance. Motion carried: 5 ayes

g. Civil Service Appointment – Motion by Councilor Garner, seconded by Councilor Wenzel to reappoint Vincent Artis to the Civil Service Commission for a six (6) year term to expire July 22, 2015. Motion carried: 5 ayes.

h. Human Relations Commission – Motion by Councilor Garner, seconded by Councilor Wenzel to ratify the Mayor's reappointments to the Human Relations Commission as follows: Rebecca Villegas for a four year term to expire April 8, 2013 and Ken Harrison for a five year term to expire April 8, 2014. Motion carried: 5 ayes.

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i. Municipal Records Retention – Motion by Councilor Garner, seconded by Councilor Berry to adopt a Resolution declaring the Borough of Pottstown’s intent to follow the Municipal Records Retention Schedule as set forth in the Pennsylvania Municipal Records Manual dated December 16, 2008.

RESOLUTION NO. 2009 – 23

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN DECLARING ITS INTENT TO FOLLOW THE SCHEDULES AND PROCEDURES FOR DISPOSITION OF RECORDS AS SET FORTH IN THE MUNICIPAL RECORDS MANUAL APPROVED DECEMBER 16, 2008

WHEREAS, a local Government Records Committee was created by Act 428 of 1968 and was empowered thereby to make rules and regulations for record disposition; and

WHEREAS, Chapter 13 of Title 453 of the Pennsylvania Consolidated Statutes (the Municipal Records Act) requires each municipality to approve each individual act of record deposition by Resolution of the governing body; and

WHEREAS, by prior Resolution No. 2004-36, the Borough had declared its intent to follow and comply with the provisions of the Municipal Records Act; and

WHEREAS, a revised and comprehensive “Municipal Records Manual” was approved by the committee on December 16, 2008; and

WHEREAS, the Burgess and Towns Council of the Borough of Pottstown desires to dispose of records in accordance with all applicable statutory requirements, including Chapter 13 of Title 53 and The “Municipal Records Manual”.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, and it is hereby ENACTED and RESOLVED by the authority of same that it intends to follow all applicable schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008.

BE IT FURTHER RESOLVED, that any prior Resolutions of the Burgess and Town Council of the Borough of Pottstown, to the extent inconsistent with this Resolution, are hereby repealed.

ENACTED and RESOLVED this 13<sup>th</sup> day of July 2009.

Motion carried: 5 ayes.

j. Resolution Destruction of Records – Motion by Councilor Garner, seconded by Councilor Berry to adopt a Resolution authorizing the destruction of certain municipal records pursuant to the Municipal Records Act.

RESOLUTION NO. 2009 – 24

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS OF THE FINANCE DEPARTMENT, POLICE DEPARTMENT, FIRE CHIEF AND CODE ENFORCEMENT OFFICE PURSUANT TO THE MUNICIPAL RECORDS ACT AND THE MUNICIPAL RECORDS MANUAL OF DECEMBER 16, 2008.

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WHEREAS, by virtue of Resolution No. 2009 – 23 adopted July 13, 2009 incorporating and modifying Resolution No. 2004-36, the Borough of Pottstown declared its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records annual approved December 16, 2008; and

WHEREAS, in accordance with the Act of 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body; and

WHEREAS, the Pottstown Borough Finance Department, Pottstown Borough Police Department, Pottstown Borough Fire Chief, and the Pottstown Borough Code Enforcement Office, have accumulated certain records that no longer need to be retained pursuant to Borough guidelines and the requirements of the Municipal Records Manual; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown is desirous of approving the request of the Finance Department, Police Department, Fire Chief, and Code Enforcement Office, to destroy those records in accordance with the procedures contained in this resolution, as well as Resolution No. 2009 – 23.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, and it is hereby Enacted and Resolved by the authority of same as follows:

SECTION 1. The Burgess and Town Council of the Borough of Pottstown hereby approves the following requests to destroy municipal records as fully described in Exhibit “A” which is attached hereto and incorporated herein.

SECTION 2. The Borough Departments above described may utilize a third party contractor for the document shredding and destruction to remove said records under a controlled environment. At the conclusion of the process, the document shredding and destruction shall provide to the Borough a Certificate of Destruction.

SECTION 3. All future requests to destroy municipal records pursuant to state law and Borough policy shall be approved by resolution of Borough Council.

#### EXHIBIT A

#### 2008 MASS DOCUMENT DESTRUCTION BEQUEST

Finance Department – total 28 boxes

1)	Year 2002 Daily Reconciliations 1/1/02 through 12/31/02	10 boxes
2)	Year 2002 Completed Certs A through Z Unpaid/Unmatched	2 boxes
3)	Year 2002 timesheets	1 box
4)	Year 2001 Daily reconciliations 11/1/01 through 12/31/01	1 box
5)	Year 2001 Accounts Payable – Delta to Mercury	1 box
6)	Year 2002 MCI Bills	1 box
7)	Year 2001 General Accounts Receivable	1 box
8)	Year 2002 Accounts Payable A through Zep	4 boxes
9)	Year 2002 Accounts Receivable	1 box
10)	Year 2002 Expenditure Register	1 box
11)	Year 2001 General Accounts Receivable	1 box
12)	Year 2001-2002 Police OT and Court Cards	1 box
13)	Year 2000-2002 General Ledger Invoice Reg 99,00,01,02	1 box
14)	Year 2000 Taxes Union Dues, Police Pension Aflac, Etc.	1 box
15)	Year Undetermined-Finance Manager Office Misc.	<u>1 box</u>
	Total	28 boxes

Police Department

- 1) Year 1989 General Reports

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Fire Chief

- 1) Year 1999 Fire Reports

Codes

- 1) Closed-Outhousing files (exp. Rentals, property transfers, violation letters, permits that have exceeded the retention requirements) 2 boxes

ENACTED and RESOLVED this 13<sup>th</sup> day of July, A.D. 2009.

Motion carried: 5 ayes.

k. Act 32 Delegates – Motion by Councilor Garner, seconded by Councilor Berry to adopt a Resolution appointing Janice Lee, Finance Director, as the primary voting delegate and Barbara Toroney, Tax Collector, as first alternate voting delegate, to the Tax Collection Committee as required under Act 32.

#### RESOLUTION NO. 2009 – 25

#### A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPOINTING DELEGATES AS TAX COLLECTION COMMITTEE REPRESENTATIVES

WHEREAS, Act 32, Section 505 (b) requires governing bodies of school districts, townships, boroughs and cities to appoint one (1) delegate and one (1) or more alternate delegates to be their Tax Collection Committee (TCC) representatives pursuant to Act 32, approved July 2, 2008, amending the Local Tax enabling Act; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown intends, at this time, to appoint a primary delegate and one (1) alternate delegate who have consented to such appointment.

NOW, THEREFORE, BE IT ENACTED AND RESOLVED by the Burgess and Town Council of the Borough of Pottstown, that the following delegates are appointed as TCC delegates for Pottstown borough:

- A. Janice Lee is hereby appointed as the primary voting delegate.
- B. Barbara Toroney is hereby appointed the alternate voting delegate.

BE IT FURTHER RESOLVED, that if the primary voting delegate cannot be present to attend a TCC meeting, the first alternate delegate shall be the authorized voting representative at the TCC meeting.

BE IT FURTHER RESOLVED that the appointments described above are effective immediately and shall continue until successors are appointed. Delegates shall be appointed or reappointed at reorganization meeting or as soon as possible, thereafter. All such delegates shall serve at the pleasure of the governing body and be removed at any time.

ENACTED and RESOLVED the 13<sup>th</sup> day of July A.D. 2009.

Motion carried: 5 ayes.

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l. Watershed Plan – Motion by Councilor Garner, seconded by Councilor Wenzel to appoint Douglas Dilliplane to the Watershed Plan Advisory Committee under Act 167 for the Manatawny Creek Watershed. Motion carried: 5 ayes.

m. Miniature Golf Course Plan – Motion by Councilor Wenzel, seconded by Councilor Garner to grant a waiver of Land Development process for the Miniature Golf Course Plan and allowing the project to proceed by building permit with conditions acceptable to Code Enforcement Office and Bursich Engineering Associates. Motion carried: 5 ayes.

n. Home Improvement Contractors – Motion by Councilor Wenzel, seconded by Councilor Garner to adopt an Ordinance requiring Home Improvement Contractors to demonstrate registration with the Commonwealth.

#### ORDINANCE NO. 2063

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO REQUIRE CONTRACTORS PERFORMING HOME IMPROVEMENT CONTRACTS TO DEMONSTRATE REGISTRATION WITH THE COMMONWEALTH OF PENNSYLVANIA PRIOR TO PERFORMING SAID CONTRACTS IN THE BOROUGH OF POTTSTOWN; PROVIDING FOR DEFINITION OF TERMS; DECLARING THE PROVISIONS OF THIS ORDINANCE TO BE SEVERABLE AND TO REPEAL ANY INCONSISTENT ORDINANCES

Motion carried: 5 ayes.

o. Solar Energy Equipment – Motion by Councilor Garner, seconded by Councilor Wenzel to adopt an Ordinance amending the Zoning Ordinance, establishing regulations for the use of Solar Energy Equipment.

#### ORDINANCE NO. 2064

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN CREATING A NEW SECTION 503 TO BE ADDED TO ARTICLE 5, GENERAL REGULATIONS, OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO ESTABLISH REGULATIONS FOR THE USE OF SOLAR ENERGY EQUIPMENT; AND AMENDING THE REGULATIONS FOR ALL ZONING DISTRICT TO PERMIT SOLAR ENERGY EQUIPMENT AS AN ACCESSORY USE.

Motion carried: 5 ayes.

p. 412 Laurel Street – Motion by Councilor Garner, seconded by Councilor Rhoads to authorize the Borough Solicitor to negotiate a resolution of title issues with Laurel Street Realty LLC for real property located at 412 Laurel Street. Motion carried: 5 ayes

q. Borough's Comprehensive Plan – Motion by Councilor Garner, seconded by Councilor Berry to authorize the Montgomery County Planning Commission and the Pottstown Planning

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Commission to proceed with the updating of the Borough's Comprehensive Plan of 1988. Motion carried: 5 ayes.

r. Strategic Visioning – Motion by Councilor Garner, seconded by Councilor Wenzel to authorize endorsement of a Strategic Visioning process for the entire community and create a committee of business and community leaders. Motion carried: 5 ayes.

s. Downtown Comprehensive Plan of 1994 – Motion by Councilor Garner, seconded by Councilor Wenzel to approve and authorize a study to update the Downtown Comprehensive Plan of 1994 in association with the Montgomery County Planning Commission.

Councilor Garner commented that he would like to expand the motion to include the alternative in the event the Montgomery County Planning Commission would not be able to proceed with this. He added that options would be pursued that would not cost the Borough any out of pocket funds. Councilor Wenzel agreed to the addition to the motion and it carried: 5 ayes.

t. Carousel of Flavor – Motion by Councilor Wenzel, seconded by Councilor Garner to grant request of the Carousel at Pottstown to conduct its annual "Carousel of Flavor" event on October 4, 2009 resulting in the closing of High Street between York and Hanover Streets from 10:00 a.m. to 6:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 5 ayes.

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

- a) 717 High Street
- b) 601 East High Street
- c) 40½ King Street
- d) 158 North Hanover Street
- e) 160 North Hanover Street
- f) 384 High Street
- g) 255 High Street
- h) 344 King Street
- i) 131 King Street
- j) 261 High Street

Motion carried: 5 ayes.

v. HARB – Motion by Councilor Wenzel, seconded by Councilor Rhoads to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the property located at 360 King Street. Motion carried: 5 ayes.

w. Codes Committee – Motion by Councilor Wenzel, seconded by Councilor Rhoads to confirmed the President's appointments to the Codes Committee.

Mr. Bobst advised that the members are Councilors Wenzel, Rhoads and Toroney and Citizens Kathleen Bortz and Kevin Konczakowski. The meetings will remain the third Thursday of the month at 3:30 p.m.

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Motion carried: 5 ayes.

x. Special Meeting – Motion by Councilor Garner, seconded by Councilor Wenzel to approve and authorize advertisement of a Special Council meeting scheduled for Wednesday, August 19, 2009 at 6:00 p.m. for the purpose of reviewing the Early Intervention Program report. Motion carried: 5 ayes.

#### REPORT OF BILLS

Motion by Councilor Wenzel, seconded by Councilor Rhoads to pay the outstanding bills in the amount of \$1,572,220.89. Motion carried: 5 ayes.

#### ANNOUNCEMENTS

Vice President Gibson thanked all for their patience and understanding for his first time in conducting a public meeting. Mr. Gibson received a round of applause from the audience.

#### EXECUTIVE SESSION

Vice President Gibson adjourned the meeting to executive session at 8:15 p.m for one item of personnel and one item of potential litigation.

#### ADJOURNMENT

The meeting adjourned at 8:45 p.m. on motion by Councilor Rhoads.

Submitted by,

Jason M. Bobst  
Acting Borough Manager