

October 13, 2009

POTTSTOWN BOROUGH COUNCIL

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

INVOCATION

The invocation was provided by Father Walter Benn.

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 Jason Bobst and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

- a. Special Meeting – Motion by Councilor Garner, seconded by Councilor Berry to approve the August 19, 2009 Special Council meeting minutes as presented. Motion carried: 7 ayes.
- b. Council Meeting – Motion by Councilor Garner, seconded by Councilor Wenzel to approve the September 14, 2009 regular Council meeting minutes as presented. Motion carried: 7 ayes.

PRESENTATION – BOND COUNSEL – AUTHORITY BORROWING

Michael Setly, Concord Financial Advisors, was present and explained the borrowing process on behalf of the Pottstown Borough Authority. He reported that the Authority was given an A+ rating and the bonds were awarded to Roosevelt & Cross at a 3.88% rate for the refinancing and new capital borrowing for a total of \$16,000,000.

Robert Jones, Saul Ewing, was also present and referenced the Ordinance requesting Council's guarantee of the borrowing bonds for the Pottstown Borough Authority.

COMMENTS FROM CITIZENS PRESENT

- a. Anna Johnson, 515 Chestnut Street – spoke as Chairperson for the newly formed Citizens for Pottstown's Revitalization, an organization to bring life and revitalization back into Pottstown.
- b. Katy Jackson, 441 King Street – also spoke on behalf of Citizens for Pottstown's Revitalization and urged Council's support in holding landlords responsible for their properties.

October 13, 2009

c. Bruce Madara, 543 North Adams Street – questioned the unresolved traffic concerns in the area of Adams and Jefferson Streets. He also expressed a concern that citizens and taxpayers were not invited to the recent Summit at the Hill School and that only one Councilperson attended.

d. Dan Weand, 1010 North Evans Street – reiterated his request for Council to authorize a forensic audit for the Borough finances. He also thanked Councilor Garner for organizing the Summit in which he attended and participated.

e. Newstell Marable, President NAACP, 880 Cross Street – reiterated his concerns with the oversight of the Ricketts Center by the Olivet Boys and Girls Club adding that it is not working out for the community. Mr. Marable praised all involved with the Riverfest and with the dedication of the amphitheater to Ron Downie. He also noted that he is working with PennDOT to have the name changed for Armand Hammer Boulevard and thanked Councilor Garner for inviting him to the Summit. Mr. Marable also commended Manager Bobst for his input and participation in the Summit.

f. Johnny Corson, 544 Jefferson Avenue – requested a copy of the Jefferson Avenue traffic study and copy of crime rate in the area.

g. Marie Detrinidad, 54 Stonehill – spoke on behalf of the 40 Days for Life program and invited all to attend the vigil on High Street at the Planned Parenthood building.

h. Fred Robinson, 337 Jefferson Avenue – thanked the Mayor for visiting the residents in the area of Jefferson Avenue in consideration of the traffic redirection. He added that this would present a difficulty for a handicap van to pick up a disabled resident in that block. Mr. Robinson suggested making two streets in the same direction.

MAYOR'S REPORT

Mayor Thomas provided the Police Department's statistics for the month of September. The Mayor added that she attended a recognition ceremony for volunteers for the Cluster of Churches and a Habitat for Humanity home dedication. She also congratulated those involved with the successful Schuylkill River Festival. Mayor Thomas commented that she understood the concerns of the residents on Jefferson Avenue, but it is not feasible or safe to change only one street.

BOROUGH MANAGER'S REPORT

Manager Bobst reported that the Hanover Street project is underway and a ribbon-tying event was held between North Coventry and Borough officials on October 10th. He also announced the Safe Routes to School staff meeting, along with Safety, CPR and Performance Evaluation Training. Mr. Bobst advised that a Table Top exercise is scheduled for October 21st in preparation for the November 17th Limerick Drill. He also reported that he attended an awards ceremony in Philadelphia honoring several Pottstown Police Officers. Mr. Bobst thanked all those involved with the successful River Festival and announced upcoming meetings for budget and healthcare preparation along with notification of the Halloween Parade for October 21st and Trick or Treat night scheduled for October 31st.

October 13, 2009

COMMITTEE REPORTS

- a. Library – Mayor Thomas reported on the State budget cuts that would eventually affect the Library, adding that the Library is seeking possible dollars from the Renaissance funds. She also announced the Wine Tasting Fund Raiser scheduled for November 7th.
- b. PDIDA – Councilor Berry referred to the minutes distributed in the packets.
- c. Human Relations - Mayor Thomas advised that Jeremy Burton from the Pennsylvania Human Relations Commission attended the Human Relations meeting to offer guidance and support.
- d. Cable – There was no report.
- e. COG – Councilor Garner noted that the next meeting is scheduled for November 10th at West Pottgrove Township.
- f. EAC – Jim Derr reported on the reduced tonnage of trash. He added that the draft ordinance would be finalized in the near future. Mr. Derr also noted that DEP is actively involved with the status of the Pottstown Plating Works.
- g. Regional Planning – President Toroney advised that a 20-year study analysis of the area was discussed and a presentation would be listed on the agenda for the October meeting.
- h. Blighted Property Review – Solicitor Garner reported on the joint Planning Commission and Blighted Property Review Committee meeting with the tour of properties.
- i. Economic Development – President Toroney referred to the written report from Councilor Garner. He also questioned the requirements to form an Authority or Development Corporation.

Solicitor Garner responded that it would require an ordinance of Borough Council with the appointment of five members with five-year terms.

Councilor Garner added that suggestions from the seven ULI Study stakeholders are forthcoming and would share the results as soon as possible.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Presentation – Fire Prevention Month – Mayor Thomas, assisted by Fire Chief Richard Lengel, presented proclamations to Chief Dave Ondik for Empire Hook and Ladder, Chief Mike Campeggio for Good Will and Deputy Chief Joel Bui for North End. Chief Lengel accepted the Phillies' proclamation.

October 13, 2009

b. Guarantee Borrowing Ordinance – Motion by Councilor Wenzel, seconded by Councilor Berry to adopt an Ordinance to guarantee funding as required in order for the refinancing of certain debt of the Pottstown Borough Authority and guaranteeing the funding for borrowing of certain capital projects.

ORDINANCE NO. 2065

AN ORDINANCE OF THE BOROUGH OF POTTSTOWN APPROVING A REFUNDING PROGRAM AND A CAPITAL PROGRAM TO BE UNDERTAKEN BY THE POTTSTOWN BOROUGH AUTHORITY; APPROVING THE INCURRENCE OF LEASE RENTAL DEBT OF THE BOROUGH; APPROVING THE ISSUANCE BY THE AUTHORITY OF ITS GUARANTEED WATER REVENUE BONDS, SERIES A OF 2009 AND SERIES AA OF 2009 AND THE PURCHASE, IF DEEMED FINANCIALLY ADVANTAGEOUS BY THE AUTHORITY, OF A MUNICIPAL BOND INSURANCE POLICY IN CONNECTION THEREWITH; FINDING THAT A COMPETITIVE PRIVATE INVITED SALE OF THE BONDS IS IN THE BEST FINANCIAL INTEREST OF THE AUTHORITY; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE EXECUTION OF A GUARANTY AGREEMENT IN WHICH THE BOROUGH GUARANTEES THE PAYMENT OF DEBT SERVICE ON THE BONDS; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT AND SELF-LIQUIDATING DEBT REPORT, THE FILING OF SAID DEBT STATEMENT AND SELF-LIQUIDATING DEBT REPORT AND A TRANSCRIPT OF PROCEEDINGS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AND AUTHORIZING OTHER NECESSARY ACTION.

President Toroney requested a roll-call vote.

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

Motion carried: 6 ayes, 1 abstention. Councilor Garner abstained due to his affiliation with the Authority.

c. Financial Statements – Motion by Councilor Berry, seconded by Councilor Wenzel to acknowledge receipt of the Borough of Pottstown’s Financial Statements for year ended December 31, 2008 (Reissued) as presented by Zelenkofske Axelrod LLC on October 7, 2009. Motion carried: 7 ayes.

d. Pottstown Progress Group – Motion by Councilor Berry, seconded by Councilor Wenzel to approve the Conditional Use application of Pottstown Progress Group, LP to convert existing buildings into residential uses and commercial space for property located at 276, 278, 280 & 284 North Hanover Street with conditions as stated in the order dated October 13, 2009.

Solicitor Garner explained that the development would also go through the Land Development process and review by the Planning Commission wherein the Police Department’s traffic study would come into consideration.

Motion carried: 7 ayes.

October 13, 2009

- e. Personnel Policy – Motion by Councilor Garner, seconded by Councilor Wenzel to adopt Personnel Policy, No. 7.9, establishing Automated External Defibrillator (AED) and Cardiopulmonary Resuscitation (CPR) training procedures for Borough of Pottstown employees. Motion carried: 7 ayes.
- f. Amend Zoning Ordinance – Motion by Councilor Garner, seconded by Councilor Wenzel to authorize the Solicitor to establish a public hearing and amend the Zoning Ordinance to create Municipal or Civic Accessory Structures. Motion carried: 7 ayes.
- g. Uniform Rental Bid – Motion by Councilor Garner, seconded by Councilor Berry to award the Uniform Rental bid to Aramark Uniform Services, Burbank, California, for a three (3) year contract as per the bid tabulation of September 15, 2009 and subject to review of the Borough Solicitor and Borough Manager. Motion carried: 7 ayes.
- h. Highway Safety Grant - Motion by Councilor Garner, seconded by Councilor Berry to adopt a Resolution accepting the PennDOT Bureau of Highway Safety Grant in the amount of \$62,580, with no local match, to assist with the DUI Checkpoint and Enforcement Program.

RESOLUTION NO. 2009 – 36

BE IT RESOLVED, by authority of the Burgess and Town Council of the Borough of Pottstown, Montgomery county, and it is hereby resolved by authority of the same, that the Council President of said Municipality, authority be authorized and directed to sign the attached grant on its behalf.

I, Jason Bobst, Borough Manager of the Burgess and Town Council do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Town Council held the 13th day of October 2009.

Motion carried: 7 ayes.

- i. Lincoln Avenue – Motion by Councilor Gibson, seconded by Councilor Wenzel to accept the Police Department's July 2009 Traffic Study with a recommendation to change Lincoln Avenue from one-way west to one-way east from North Charlotte Street to North Franklin Street and authorize the Solicitor to prepare an amendment to the Master Traffic Ordinance.

Councilor Garner reiterated his comments that the effected residents should be heard regarding a change in direction of the streets.

Councilor Gibson commented that residents were not consulted on prior traffic changes recommended by the Police.

Solicitor Garner advised that this motion only authorizes him to prepare the changes for advertisement and would not be the final word on the matter.

President Toroney requested a roll-call vote.

October 13, 2009

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

Motion carried: 5 ayes, 2 nays.

j. Jefferson Avenue – Motion by Councilor Wenzel, seconded by Councilor Gibson to accept the Police Department’s July 2009 Traffic Study with a recommendation to change Jefferson Avenue from one-way east to one-way west from North Franklin Street to North Charlotte Street and authorize the Solicitor to prepare an amendment to the Master Traffic Ordinance.

President Toroney requested a roll-call vote.

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

Motion carried: 5 ayes, 2 nays.

k. North Evans & Oak Streets – Motion by Councilor Gibson, seconded by Councilor Wenzel to accept the Police Department’s July 2009 Traffic Study with a recommendation to increase parking restrictions on North Evans Street at Oak Street and authorize the Solicitor to prepare an amendment to the Master Traffic Ordinance.

Councilor Berry stated that he could not agree to reduce parking in that area even though there is need for improvement.

President Toroney requested a roll-call vote.

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

Motion denied: 7 nays.

l. 2010 Nostalgia Nights – Motion by Councilor Allen, seconded by Councilor Wenzel to approve the dates for the Pottstown Classics Car Club for the 2010 Nostalgia Nights as presented in the September 29, 2009 memorandum, subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

m. Auto Zone- Motion by Councilor Garner, seconded by Councilor Berry to authorize the Solicitor and staff to proceed with negotiations with Auto Zone for the potential use of the Lessig Lot and a parking easement agreement for the development of the High Street property. Motion carried: 7 ayes.

October 13, 2009

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

- a) 59 North Hanover Street
- b) 1122 East High Street
- c) 64 North Hanover Street
- d) 438 East High Street
- e) 331 King Street
- f) 301 King Street
- g) 538-540 East High Street

Motion carried: 7 ayes.

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

- a) 384 High Street
- b) 131 King Street

Motion carried: 7 ayes.

p. HARB – Motion by Councilor Wenzel, seconded by Councilor Gibson to reject the application for a Certificate of Appropriateness for the property located at 21 North Hanover Street as recommended by HARB.

Manager Bobst explained that the Karate School misunderstood the process and will be submitting a new application.

Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Wenzel to approve the outstanding bills in the amount of \$3,722,774.38. Motion carried: 7 ayes.

ADJOURNMENT

The meeting adjourned at 8:25 p.m. on motion by Councilor Berry.

Submitted by,

Jason M. Bobst
Borough Manager