

November 9, 2009

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, November 9, 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 Pastor June Warren.

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 Jason Bobst and Borough Secretary Virginia Takach. Councilor Wenzel was absent.

APPROVAL OF MINUTES

Motion by Councilor Berry, seconded by Councilor Rhoads to approve the October 13, 2009 regular Council Meeting minutes as presented. Motion carried: 6 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Jerry Stick, 287 Master Street – questioned the shift differential discrepancies with the midyear budget stating that \$64,714 has already been used. He added that an error was made paying certain officers \$25 for their shift differential instead of the correct \$.25 per hour and is awaiting a breakdown on this matter as requested under the Right to Know Law.
- b. Louis Steffenhagen, Pottstown – thanked Mayor Thomas for her efforts and the courage she has portrayed during her tenure as Mayor. He also commented that the Borough should not interfere with property owners having their properties reassessed nor should the Borough seek contributions from the churches.
- c. Carole Ann Landis, 1123 South Street – complained about on going neighbor problems from the property at 1119 South Street with the residents tampering with her sewer system. She added that the tenants at 1119 South Street abuse the Police Department system as well.
- d. Bruce Madara, 543 North Adams Street – expressed a concern that a Police report regarding a domestic matter was issued and used as material for election purposes. He also commented on the traffic study for Jefferson Avenue and North Adams Street, dated September 2008 and listed on this evening's agenda, noting that it just coming before Council after fourteen months. Mr. Madara also suggested the renaming of Armand Hammer Boulevard to Thomas Hylton Avenue in honor of Mr. Hylton's accomplishments and ideas for the town.

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e. Newstell Marable, 880 Cross Street – reiterated his concerns regarding the Ricketts Community Center, stating that it is not serving the community. He added that more organizations need to get involved. Mr. Marable also stated that he has a great concern regarding the name of Armand Hammer Boulevard and suggested that a resolution from the Borough and Lower Pottsgrove Township be forwarded to local elected officials to rename the street to Dr. Martin Luther King, Jr. Boulevard.

f. Anna Johnson, 515 Chestnut Street – spoke on behalf of the newly formed Citizens for Pottstown Revitalization. She requested volunteer representatives from residents, business owners and a representative from Council and various departments to form a community task force.

g. Katie Jackson, 441 King Street – also spoke as a representative of Citizens for Pottstown Revitalization. She also expressed a concern regarding the condition of sidewalks in the 400 block of King Street and requested verification of a program to fix sidewalks along school walking routes.

Mr. Bobst commented that there is a grant through the Safe Routes to School program, which will be focused on the sidewalks in the area of the elementary schools but King Street is not in that area.

h. Jackie Wheatley, 645 Walnut Street – reiterated his concern from several months ago regarding a \$50 shut-off fee and is awaiting a response from Councilor Garner, prior to presenting his case to the news media.

MAYOR'S REPORT

Mayor Thomas advised that she would be recording her own comments, which has been approved by the Borough Solicitor. The Mayor noted that over the next two months she would be providing a thumbnail analysis of her four years in office as Mayor of Pottstown. She commented that revitalization has been a priority over the last sixty years and noted that urban renewal monies were allegedly diverted adding that the Gruber Pool built in the third ward instead of the fifth ward for the comment “let the numbered streets deal with the minorities.” The Mayor also stated that “governance is about leadership – but a leadership posture starts with your attitude.”

Mayor Thomas also commented that in 2006 and during the primary election she heard potentially degrading racial remarks adding, “that these types of innuendos and subliminal tactics do not move Pottstown forward.” The Mayor also noted that leaders must be held accountable for comments made in a public forum. She also commended Councilor Garner for his initiative in bringing the invocation prayer back to the Council agenda and thanked the religious leaders that have participated.

The Mayor reported on her monthly addresses to the incarcerated, her marketing and neighborhood initiatives and expressed concerns regarding the negative press response and headlines. She added that she would continue in her efforts to investigate, advocate and empower those open to the truth. Mayor Thomas also thanked the Police Department, the Fire, EMS workers and the Borough staff for their continued efforts for the Borough of Pottstown and the public.

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BOROUGH MANAGER'S REPORT

Manager Bobst reported that the Runway Lighting and Vault project at the Airport is scheduled to begin construction next week. He added that the Train Station Canopy project should be bid by December 1st with construction to begin in March 2010. Mr. Bobst also reported that Staff met with officials of Auto Zone regarding the parking easement issues in order to proceed with the development. He also advised that the Borough received an award for the TriCounty Chamber of Commerce 2009 Regional Planning Award for coordination and efforts with neighboring townships for the improvements to the Route 100 and State Street intersection. The Borough also received the 2009 Economic Impact award for improvements to Memorial Park.

Mr. Bobst also advised Council that as part of the EIP recommendations, employee performance review training and evaluations are due prior to the end of the year. He also advised that the Limerick Emergency Drill is scheduled for November 17th. He also noted that as per the adopted Resolution No. 2009 – 24 for the destruction of records, he is requesting that Staff move forward with the process. The records have been reviewed and are not vital or would pertain to any audit. Mr. Bobst also reminded all that Borough Hall would be closed on November 11th in observance of Veterans Day.

COMMITTEE REPORTS

- a. Library – Mayor Thomas reported on the successful Wine Tasting event held on November 7th. She added that Staff is trying to resolve the relationship and the insurance policy for the Library building prior to the end of the year.
- b. Human Relations - Mayor Thomas also reported that the Commission is working with a member of the State Human Relations Commission and recommended that the group remains as a five-member board and as a referral agency.
- c. Cable – There was no report.
- d. PDIDA – Councilor Berry advised that he would be requesting that the minutes be provided in a written form to Council. He added that PDIDA has several projects underway, along with the holiday festivities and it continues to market the downtown.
- e. COG – Councilor Garner advised the next meeting is November 10th.
- f. EAC – President Toroney referred to the written report provided in the packets.
- g. Regional Planning – President Toroney reported that discussions continue regarding an impact and fiscal analysis study for the area. A decision can be expected at the December meeting.
- f. Blighted Property Review – Solicitor Garner advised that there was no quorum for the October meeting and dates will be provided for the November and December meetings.

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UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Promotion to Corporal – Motion by Councilor Allen, seconded by Councilor Gibson to promote Officer Stephen L. Hatfield, Jr. to the rank of corporal in the Pottstown Police Department effective immediately. Motion carried: 6 ayes.

Mayor Thomas, along with Chief Mark Flanders and Captain Rick Drumheller, read the promotion order to Corporal Hatfield in the presence of his family and friends.

b. Hill School Conditional Use – No motion was made to approve the Conditional Use application of The Hill School regarding the property at 715 East High Street.

Solicitor Garner advised that Council has 45 days to render a decision and will therefore be relisted for the December meeting.

c. Code Revision – Motion by Councilor Gibson, seconded by Councilor Allen to adopt an Ordinance amending Section 102 (2), Revisions to Code, Chapter 5, of the code of Ordinances.

ORDINANCE NO. 2066

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SECTION 102 (2), REVISIONS TO CODE, OF PART 1, BUILDING CODE, OF CHAPTER 5, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, TO CORRECT THE CIRCUMSTANCE WHERE A LICENSE IS REQUIRED TO PERFORM WORK UNDER THE INTERNATIONAL BUILDING CODE

Motion carried: 6 ayes.

d. Amend Master Traffic Ordinance – Motion by Councilor Gibson, seconded by Councilor Allen to authorize the Solicitor to advertise an Ordinance amending the Master Traffic Ordinance establishing One-Way Streets and addressing General Parking Regulations.

Councilor Garner commented that he disagreed with the process.

Solicitor Garner added that this motion is to authorize only the advertisement of the Ordinance.

President Toroney requested a roll-call vote.

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

Motion carried: 4 ayes, 2 nays.

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e. Traffic Study – North Adams Street – Motion by Councilor Berry, seconded by Councilor Gibson to acknowledge receipt of the North Adams Street and Jefferson Avenue traffic Study of September 2008 and take no action as recommended by the Police Department.

Councilor Garner commented that he would prefer to see a further study for that area.

President Toroney requested a roll-call vote.

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

Motion carried: 4 ayes, 2 nays.

f. 2010 Police Pension Plan – Motion by Councilor Gibson, seconded by Councilor Berry to adopt a Resolution establishing the contribution for members of the Pottstown Police Pension Plan for calendar year 2010 and repealing in part Resolution No. 2009-33.

RESOLUTION NO. 2009 – 37

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE CONTRIBUTION FOR MEMBERS OF THE POTTSTOWN POLICE PENSION PLAN FOR CALENDAR YEAR 2010, ENDING DECEMBER 31, 2010, AND REPEALING IN PART RESOLUTION NO. 2009-33.

WHEREAS, it has been determined by the Plan Actuary for the Pottstown Police Pension Plan that member contributions for calendar year should be established at five percent (5%); and

WHEREAS, the Pottstown Police Pension Board has formally acted to recommend to Borough Council a contribution to the Plan, consistent with the Actuary's recommendation; and

WHEREAS, on September 14, 2009, Borough Council enacted Section 1 of Resolution 2009-33, erroneously establishing a member contribution of 4.8%.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND RESOLVED by the Burgess and Town Council of the Borough of Pottstown, in lawful session, this 9th day of November 2009, as follows:

1. The Annual Member contribution be established for calendar year 2010 at five percent (5%), which shall begin January 1, 2010, and shall remain in effect through December 31, 2010.
2. Section 1 of Resolution No. 2009-33, enacted September 14, 2009, is hereby repealed, as it relates to the establishment of the amount of the member contribution.

Enacted and resolved this 9th day of November 2009.

Motion carried: 6 ayes.

g. Sale of Vehicles – Motion by Councilor Berry, seconded by Councilor Gibson to award the sale of Borough Vehicles as per the bid tabulation of October 19, 2009 as follows:

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- a) 2000 Ford Explorer to DeNaples Auto Parts, Inc., Dunmore, PA in amount of \$350
- b) 1995 Chevrolet Pickup Truck to Marks Motors, Maple Shade, NJ, in the amount of \$1,280

Motion carried: 6 ayes.

h. Reject Bid – Motion by Councilor Berry, seconded by Councilor Rhoads to reject all bids for the sale of the 2000 Tymco Sweeper as per the bid tabulation of October 19, 2009. Motion carried: 6 ayes.

i. Maplewood Video Agreement – Motion by Councilor Allen, seconded by Councilor Berry to approve and execute an Agreement with Maplewood Video Productions for a year-to-year term in a form acceptable to the Borough Manager and Borough Solicitor.

Solicitor Garner explained that language would be included to require Maplewood to cooperate and assist the School District in certain production activities. He added that Maplewood is favorable to this request.

It was the consensus of Council to have the Agreement finalized with this new language and defer to the December meeting.

Councilor Allen withdrew her motion and Councilor Berry withdrew his second to the motion.

Councilor Gibson moved to table the Maplewood Video Agreement to December.

j. Pennsylvania Horticultural Society – Motion by Councilor Berry, seconded by Councilor Garner to authorize the Borough Manager to correspond with the Pennsylvania Horticultural Society to provide acceptance and specifications for the Green Infrastructure Tree Planting project within Borough named properties of Riverfront Park, College Drive, Memorial Park, West King Street and Keystone Boulevard. Motion carried: 6 ayes.

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

- a) 888 High Street
- b) 129 High Street
- c) 1122 High Street
- d) 22 South Charlotte Street
- e) 158-160 North Hanover Street

Motion carried: 6 ayes.

l. HARB – Motion by Councilor Berry, seconded by Councilor Rhoads to ratify action of the Building Permit Officer approving a Certificate of Appropriates for the property located at 417 King Street. Motion carried: 6 ayes.

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m. HARB – Motion by Councilor Allen, seconded by Councilor Berry to table the application for a Certificate of Appropriateness for the property located at 235 High Street as recommended by HARB:

Mr. Bobst added that the property owner is working with HARB with respect to the posts and awning design.

Motion carried: 6 ayes.

n. HARB – Motion by Councilor Berry, seconded by Councilor Rhoads to table the applications for Certificates of Appropriateness for the following properties:

- a) 200 Block Walnut Street
- b) 432 King Street

Mr. Bobst advised that he spoke with the Federal Highway Department and the Department of Justice regarding this issue. Under the ADA design standards for sidewalks, they do not have a recommended material. Mr. Bobst added that the standard is by slip rating under good and poor weather conditions and was advised by the State officials that this material would most likely pass under the slip rating and ADA requirements.

Mr. Bobst agreed to provide the reference materials to Council.

Councilor Berry withdrew his motion to table and Councilor Rhoads withdrew his second to the motion.

Councilor Berry, moved, seconded by Councilor Gibson, to approve the Certificates of Appropriateness for the following properties:

- a) 200 Block Walnut Street
- b) 432 King Street

Motion carried: 6 ayes.

EXECUTIVE SESSION

President Toroney adjourned the meeting to executive session at 8:05 p.m. for matters of collective bargaining. He invited Councilors Elect Weand and Kirkland and Mayor Elect Heath to join the session.

RECONVENED

The regular meeting reconvened at 8:25 p.m.

BUDGET REVIEW

Manager Bobst provided Council with the draft budget for 2010. He advised that the current tax millage for the Borough is 8.8872 mils and the assessed value of the Borough for 2010 is \$817,728,017, which is \$7 million dollars less than 2009. Mr. Bobst also reviewed the loss of grant funds for the Police

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on Patrol grant, along with the loss of contractor license fees and explained to Council the contractual agreements with the Police and AFSCME and a 3% increase for management.

Mr. Bobst also advised that the average increase for a \$75,000 home in the Borough would be \$666.75 per year. He also noted that he is proposing a modification of health plans for a savings of \$300,000. If no changes are made to the health care plan the deficit stands at \$1.3 million dollars.

Councilor Berry commented that the revenues are down and expenses have to be cut and everything has to be on the table as last year.

Councilor Garner added that when all the numbers and answers are provided by Staff, the decisions would lie with Council.

It was the consensus of Council to schedule the next budget meeting for Wednesday, November 18th, 7:00 p.m.

REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Allen to pay the outstanding bills in the amount of \$2,568,200.02. Motion carried: 6 ayes.

ADJOURNMENT

The meeting adjourned at 8:50 p.m. on motion by Councilor Allen.

Submitted by,

Jason M. Bobst
Borough Manager