

December 14, 2009

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, December 14, 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 Mayor Sharon Thomas.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were 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. Councilor Gibson was absent.

APPROVAL OF MINUTES

- a. Motion by Councilor Wenzel, seconded by Councilor Rhoads to approve the November 9, 2009 regular Council Meeting minutes as presented. Motion carried: 6 ayes.
- b. Motion by Councilor Berry, seconded by Councilor Rhoads to approve the November 30, 2009 Special Council Meeting minutes as presented. Motion carried: 6 ayes.

ADD-ON

Solicitor Garner explained the request of the Walmart Land Development Expansion plan for a 90-day extension to satisfy the conditions as approved.

President Toroney noted that this would be added to the agenda for discussion.

COMMENTS FROM CITIZENS PRESENT

- a. Bonnie Heath, P.O. Box 105 – thanked outgoing Mayor Sharon Thomas for her accomplishments and efforts during her tenure.
- b. Bruce Madara, 543 North Adams Street – commented on the budget and suggested concessions be made. He added that grant money should not be used for parades and to buy houses but should be used for streets and existing homeowners.
- c. Aram Ecker, 21 Winding Road – stated that the largest population for the Borough occurred in the mid 1970's and 1980's with the number of Borough employees being approximately 90. He added that the population is now the lowest with double the amount of employees. Mr. Ecker also advised that

December 14, 2009

only 18% of the employees live in the Borough. He suggested that Council make cuts in the amount of employees.

d. Elaine Tobias, 319 Chestnut Street – spoke with respect to the budget and thanked Council for its efforts. She also expressed a concern regarding the Agreements with the Townships and the amount in delinquent utility accounts.

e. Anna Johnson, 515 Chestnut Street – reiterated Ms. Tobias' concerns regarding the budget and urged Council to not raise taxes but address the delinquent accounts.

f. Kathie Minotto, President AFSCME 2784 – advised that last year AFSCME voted to forego its raises but was not accepted by Council. She added that this year the members have agreed to make concessions in health-care costs with the understanding of no layoffs. Ms. Minotto stated that AFSCME does not appreciate being criticized for this request. She also stated that the Borough should do something about the outstanding delinquent bills.

g. Don Read, 1036 Logan Street – commented on the proposed budget, stating that a double digit tax increase is unsustainable, adding that economic development is needed in the town. Mr. Read questioned why benefits are being paid for people not employed by the Borough, being the dependents of the employees.

h. Philip Thees, 63 South Evans Street – noted that the real estate market may not recover for the next two years and into 2012 or 2013 and no chance of the County reassessing the Borough until approximately 2018 or 2020. Mr. Thees also expressed a concern of providing compensation to the Townships from the Borough Authority.

i. Newstell Marable, 880 Cross Street – reiterated his concern regarding the Ricketts Community Center, stating that it is not serving the community. He also commented on the \$11,000 of the Olivet Boys & Girls Club budget not being used, stating that there are not enough programs for the community. Mr. Marable also urged Council to pass a resolution in support of renaming Armand Hammer Boulevard, adding that he is also contacting Lower Pottsgrove Township. He also commented on a former employee who he is sending to an independent physical education program.

PUBLIC HEARING – 7:30 P.M.

Solicitor Garner opened a public hearing regarding the Zoning Ordinance Amendment to be considered on the agenda and explained the summary of the Ordinance and the requirement for the hearing.

Philip Thees, 63 South Evans Street – stated that the homeowners, who wish to have an efficiency apartment in their own homes should have the same benefits as businesses.

The public hearing closed at 7:35 p.m.

December 14, 2009

MAYOR'S REPORT

Mayor Thomas welcomed the incoming Mayor and Council members. She also commended the service and cooperation she has received from surrounding municipalities, her family and Borough staff members. Mayor Thomas thanked the many ministers for providing guidance at the Council meetings and other events throughout the Borough and praised the many festivals and parades in which she had the opportunity to participate over the last four years, not only in the Borough but in other states as well. The Mayor also urged the approval of the AutoZone plan to improve the downtown, employment and revitalization.

BOROUGH MANAGER'S REPORT

Manager Bobst provided an update on the Runway Lighting and Vault project for the Airport, which has been completed. Work on the remaining part of the project will resume in spring. He added that the 5010 Inspection items regarding vegetation at the Airport will be addressed by Staff at no additional costs to the airport fund. Mr. Bobst also reported that preliminary information regarding the PA Infrastructure financing of the eight hangars has been received and will be discussed at the upcoming Airport Committee meeting. Mr. Bobst also advised that the CPR/ARD training continues among Borough staff. He added that the Montgomery County Housing Authority will continue to support the Codes Department and Staff on addressing Section 8 inspections and property maintenance. Mr. Bobst noted that a meeting is pending with County officials and the Economic Development Subcommittee regarding the Bethlehem Steel site regarding the grant for Industrial Drive. There is also a meeting scheduled for the Existing Homeowner Program and a TCDI grant has been submitted for a feasibility study jointly with West Pottsgrove Township regarding the KOZ and the former Flagg property. He added that work is progressing on the Transit Canopy project and a new Paratransit Van was received and a study through Montgomery County and DVRPC is underway for expanding routes. Mr. Bobst also reported that options are being reviewed to address the collection of delinquent accounts. He also noted that the upcoming vacancies are posted on the Borough's website.

COMMITTEE REPORTS

- a. Library – Mayor Thomas reported that the Library is seeking a visioning project to expand the lower level for teenagers.
- b. Human Relations - President Toroney noted that minutes were included in the packets.
- c. PDIDA - Councilor Berry advised that the next meeting is December 17th.
- d. Cable – The minutes were in the packet.
- e. COG – Councilor Garner advised that discussions continue on the regional planning efforts and with projects of the 10,000 Friends regarding regional impact. He added that the next meeting is January 12th, Lower Pottsgrove Township.

December 14, 2009

f. EAC – Mr. Derr reported that work on the trash ordinance has been completed by the Committee and advised that the next initiative will be with respect to stormwater issues. He added that the next regular meeting will be January 25th.

g. Regional Planning – President Toroney reported that a vote was approved to send RFP's for a fiscal analysis study for the entire region at no cost to the municipalities. He added that an amendment to the Comprehensive Plan will be addressed in February.

h. Blighted Property Review – Solicitor Garner reviewed the minutes of the joint meeting with the Planning Commission. He noted that all current members have expressed an interest in being reappointed. The next meeting will be in January.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Presentation – AutoZone

Robert Swatila, Bergmann Engineering Associates and Curtis Seigler of AutoZone were present to provide Council with the final plans proposed for the AutoZone Development Plan for Lessig Lot and the former Creative Health Building, 365 High Street. Mr. Swatila explained the design and layout of the building and reviewed the improvements and landscaping to the parking lot. He also noted that the store will be strictly retail, providing customer service and AutoZone's agreement to provide the cost of amending the Borough's current Ordinance. Mr. Swatila advised that the cost of the improvements to the property is approximately \$263,000.

Solicitor Garner reviewed the proposed easement agreement to require AutoZone to maintain the entire parking lot. He added that the Borough will be the applicant for the PennDOT Highway Occupancy Permit. Mr. Garner also advised that an additional waiver was recommended by the Planning Commission to not require the wheel stops and bumpers in the parking lots for aesthetic purposes.

a. AutoZone Easement Agreement – Motion by Councilor Wenzel, seconded by Councilor Berry to approve and authorize the execution of an Easement Agreement between AutoZone and the Borough of Pottstown relating to the Lessig Lot, in a final form acceptable to the Borough Manager and Borough Solicitor. Motion carried: 6 ayes.

b. Sale of Property – Motion by Councilor Wenzel, seconded by Councilor Rhoads to authorize the Borough Solicitor to advertise for public sale, a 1,614 square foot tract of Borough property located at 351 High Street. Motion carried: 6 ayes.

c. AutoZone Land Development – Motion by Councilor Garner, seconded by Councilor Berry to grant preliminary/final approval of the AutoZone Land Development, 365 High Street, subject to the applicant satisfying the following conditions within 120 days.

December 14, 2009

- a) Building elevations for the proposed building as recommended by the Planning Commission, acceptable to Borough Council
- b) The Applicant, at Applicant's sole cost and expense, obtaining all necessary permits and approvals from PennDOT to access the Lessig Lot and with the Borough to be the applicant
- c) Compliance with the Bursich letter of November 11, 2009
- d) Applicant funding an amendment to the Borough Ordinance to preclude vehicle maintenance in the parking lot
- e) The Borough and AutoZone approving an easement for Applicant's use of the Lessig Lot, in a form acceptable to the Borough of Pottstown
- f) Applicant acquiring from the Borough, as highest bidder at public sale, 1,614 square feet of Borough property to consolidate with the lot at 365 High Street
- g) AutoZone upgrading the Lessig Lot with the scope of improvements acceptable to Borough Council
- h) Payment in full of all Borough review fees

Councilor Garner commented that with the cost of the improvements to the lot being made by AutoZone, that a fee in lieu of trees (18 trees @350/per tree) should not be required.

Motion carried: 6 ayes.

d. AutoZone Land Development – Motion by Councilor Garner, seconded by Councilor Wenzel to grant the following waiver request from the Subdivision and Land Development Ordinance and/or the Stormwater Management Ordinance for the AutoZone Land Development Plan:

- a) Section 507 of SALDO – requirement of installation of 18 open space trees
- b) Section 404.E and K of SWMO – to reduce pipe size and cover
- c) Section 509 of SALDO – requirement to wheel stop and bollards to protect trees

Solicitor Garner explained the addition of a waiver from Section 509 of SALDO and suggested a public hearing to address the change.

President Toroney opened a public hearing at 8:38 p.m. and hearing no comments the hearing closed at 8:38 p.m.

Motion carried: 6 ayes.

e. Pottstown Little League Dugouts – Motion by Councilor Wenzel, seconded by Councilor Rhoads to grant the request of Pottstown Little League waiving the requirement of a Stormwater Management Plan for the proposed dugouts at the Jerry Grimm Field. Motion carried: 6 ayes.

f. Zoning Ordinance Amendment – Motion by Councilor Garner, seconded by Councilor Berry to adopt an Ordinance amending the Pottstown Borough Zoning Ordinance to establish municipal and civic accessory used and other miscellaneous changes.

December 14, 2009

ORDINANCE NO. 2067

AN ORDINANCE OF THE BOROUGH OF POTTSTOWN AMENDING CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, AND THE POTTSTOWN BOROUGH ZONING ORDINANCE, TO CREATE AND PROVIDE FOR MUNICIPAL OR CIVIC ACCESSORY STRUCTURES/USES AND OTHER MISCELLANEOUS MODIFICATIONS

Motion carried: 6 ayes.

g. Sewage Treatment Service Agreement/West Pottsgrove – Motion by Councilor Wenzel, seconded by Councilor Berry to approve and authorize execution of the Sewage Treatment Service Agreement between the Borough of Pottstown, the Pottstown Borough Authority and West Pottsgrove Township. Motion carried: 5 ayes, 1 abstention. Councilor Garner abstained due to his association with the Pottstown Borough Authority.

h. Amendment Chapter 18 – Motion by Councilor Berry, seconded by Councilor Allen to authorize the Solicitor to prepare and advertise an Ordinance amending Chapter 18 amending Sanitary Sewer Rates for the calendar year 2010 to reflect a 3% increase in bulk rate fees as recommended by the Pottstown Borough Authority.

Manager Bobst explained that bulk pertains to any outside waste that is brought to the Wastewater Treatment Plant from various bulk carries and does not apply to Borough residents or surrounding municipalities.

Motion carried: 5 ayes, 1 abstention. Councilor Garner abstained.

i. Trash Ordinance – Motion by Councilor Garner, seconded by Councilor Berry to authorize the Borough Solicitor to advertise comprehensive amendments to the Borough Trash and Recycling Ordinance.

Councilor Garner commented that these amendments were not considered lightly, but in the best interest of residents.

Motion carried: 6 ayes.

j. PA Conservation Works Grant – Motion by Councilor Wenzel, seconded by Councilor Berry to approve an Amendment to the PA Conservation Works Grant application of the Pottstown Borough Authority naming the Borough of Pottstown as the Applicant with all rights, duties and obligations of the Grant retained by the Pottstown Borough Authority. Motion carried: 5 ayes, 1 abstention. Councilor Garner abstained.

k. Fee in Lieu of Policy – Motion by Councilor Garner, seconded by Councilor Berry to adopt a fee in Lieu of Policy dated October 2, 2009 as prepared and recommended by the Borough Manager, regarding Shade Trees/Open space Trees/Street Trees & Parking Lot Trees and Non Designated Contributions. Motion carried: 6 ayes.

December 14, 2009

Councilor Garner again commented that this policy would provide guidance to future Councils.

Motion carried: 6 ayes.

l. Master Traffic Ordinance – Motion by Councilor Berry, seconded by Councilor Wenzel to adopt an Ordinance amending the Master Traffic Ordinance, establishing certain One-Way streets and prohibiting certain parking areas.

ORDINANCE NO. 2068

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SECTION 207, ONE-WAY STREETS ESTABLISHED, AND SECTION 402, PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS, OF CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED.

Councilor Garner reiterated his concerns that the effected residents were not officially notified and invited to provide their opinions, as he had previously suggested.

President Toroney requested a roll-call vote.

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

Motion carried: 4 ayes, 2 nays.

m. False Alarm Changes – Motion by Councilor Wenzel, seconded by Councilor Berry to authorize the Police Chief, Borough Manager and Borough Solicitor to investigate and prepare necessary documentation associated with the collection of false alarms. Motion carried: 6 ayes.

n. Maplewood Video Agreement – Motion by Councilor Garner, seconded by Councilor Berry to approve and execute the Agreement between Maplewood Video Productions and the Borough of Pottstown for a one (1) year term for the operation of PCTV. Motion carried: 6 ayes.

o. FBO Lease – Motion by Councilor Garner, seconded by Councilor Berry to extend the FBO Lease for the Pottstown Municipal Airport with the existing terms and conditions for a two (2) year term. Motion carried: 6 ayes.

p. Fuel Bid Awards – Motion by Councilor Berry, seconded by Councilor Wenzel to award the fuel bids to Automotive Service Inc., Reading, PA for one (1) year contracts as per the bid tabulation of November 9, 2009 as follows:

- a) Unleaded Gasoline - \$2.2650/gal.
- b) Diesel (Low Sulfur) - \$2.2310/gal.
- c) Diesel (Off-Highway) - \$3.0010/gal.
- d) Diesel (for buses) - \$2.2660/gal.

December 14, 2009

Motion carried: 6 ayes.

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

- a) 165 North Hanover Street
- b) 69 North Charlotte Street
- c) 354 High Street
- d) 235 High Street

Motion carried: 6 ayes.

r. HARB – Motion by Councilor Garner, seconded by Councilor Wenzel to ratify action of Building Permit Officer approving Certificates of appropriateness for the following properties:

- a) 432 High Street
- b) 301 King Street

Motion carried: 6 ayes.

s. Adjournment Meeting – Motion by Councilor Garner, seconded by Councilor Berry to establish Tuesday, December 29, 2009, 6:00 p.m. as the Adjournment Meeting date and time and authorize the Borough Secretary to advertise same. Motion carried: 6 ayes.

t. 2010 Meeting Schedule – Motion by Councilor Garner, seconded by Councilor Berry to approve and advertise the 2010 Council Meeting Schedule. Motion carried: 6 ayes.

u. Wal-Mart Land Development Extension – Motion by Councilor Berry, seconded by Councilor Wenzel to grant the extension request for Wal-Mart to allow the terms and conditions for final land development approval for Wal-Mart Extension be extended to May 31, 2010. Motion carried: 6 ayes

v. BUDGET REVIEW – Manager Bobst advised Council that several items have been removed from the budget. He reported that an additional 2% reduction was achieved in the health care premiums, now being 12.1%, additional savings on the health care side through the unions, a reduction in the cash reserve account to \$100,000 and a reduction in the debt payment of the grant fund, including phasing the Mini-golf project. Mr. Bobst also advised that contributions to the police post retirement medical fund would be used to offset the deficit, leaving the tax increase at 11.61%. Mr. Bobst explained several other options or reductions to the budget that would only decrease the deficit and no increases.

After a brief discussion among Council, Councilor Wenzel moved to authorize the Borough Solicitor and the Borough Secretary to advertise and make available for public inspection the proposed budget for 2010 with total revenues in the amount of \$36,962,163 and total expenses at \$36, 962,163.

Councilor Garner commented that he would vote against the budget stating that work should have continued with deeper cuts.

President Toroney requested a roll-call vote.

December 14, 2009

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

Motion carried: 5 ayes, 1 nay.

w. 2010 Tax Rate – Motion by Councilor Wenzel, seconded by Councilor Allen to authorize the Borough Solicitor and the Borough Secretary to advertise an Ordinance to fix the Borough Tax for real property for the Year 2010 with a total millage rate of 9.920407.

President Toroney requested a roll-call vote.

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

Motion carried: 5 ayes, 1 nay.

x. TAN – Mr. Bobst explained that he has received two quotes from local banks regarding rates for a Tax Anticipation Note. He added that he has also had correspondence with the Borough Authority and is seeking additional information on a borrowing from the Authority with an anticipated savings in the rate and legal fees. There was no action on this matter.

REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Wenzel to pay the outstanding bills in the amount of \$1,273,166.51. Motion carried: 6 ayes.

ANNOUNCEMENTS

Councilor Garner requested that the Solicitor explain the removal of trees at the former Mrs. Smith's site.

Solicitor Garner advised that the removal of the trees was part of the approved Land Development plan approximately three years ago to address the required infrastructure.

ADJOURNMENT

The meeting adjourned at 9:15 p.m. on motion by Councilor Berry.
Submitted by,

Jason M. Bobst
Borough Manager