

February 8, 2010

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 8, 2010 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 Heath.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Mark Gibson, Maureen Allen, Jeff Chomnuk, Stephen Toroney, Dan Weand, Jody Rhoads and Joseph Kirkland. Also present were Mayor Bonnie Heath, Solicitor Charles Garner, Borough Manager Jason Bobst and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

- a. Motion by Councilor Chomnuk, seconded by Councilor Weand to approve the January 4, 2010 Reorganization Meeting minutes as presented. Motion carried: 7 ayes.
- b. Motion by Councilor Kirkland, seconded by Councilor Chomnuk to approve the January 6, 2010 Committee of the Whole meeting minutes as presented. Motion carried: 7 ayes.
- c. Motion by Councilor Weand, seconded by Councilor Chomnuk to approve the January 11, 2010 Council meeting minutes as presented.

Councilor Weand requested that the Blighted Property Review Committee meeting schedule be corrected to read the 4th Thursday of the month.

Motion to approve the amended minutes carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Jon Daywalt, Animal Control Officer – provided information regarding Animal Control and its duties and responsibilities. Mr. Daywalt also noted that March is Animal Control Month and requested donations such as food and non-perishable items, be placed in the lobby of Borough Hall during March.
- b. Michael Prestia, 1161 South Street – expressed a concern regarding a neighbor's dog and the constant disturbance at his residence.
- c. Donna Niper, 582 Walnut Street – complained about cars parking illegally on her property. She also complained about drug transactions in the alleyway.

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Solicitor Garner commented that she had the right to post “private property” and “parking prohibited” signs on her property.

MAYOR’S REPORT

Mayor Heath provided the 2009 annual statistics for the Police Department. She noted that crime numbers are down. The Mayor also provided information and procedure to make anonymous reports.

BOROUGH MANAGER’S REPORT

Manager Bobst provided updates on the Hanover Street PCTI program and the Manatawny Gateway/Open Space. He also advised that outside Counsel was retained for the Borough’s interests in the proposed Commerce Corner development in Upper Pottsgrove Township. Mr. Bobst also noted that a meeting was held regarding the Owner/Occupied program with details to be finalized in spring 2010.

Mr. Bobst reported that Waste Management has exceeded its agreed upon limit for leachate processing and will be penalized with an invoice of approximately \$1,000, the funds of which would be provided to the Authority. Mr. Bobst advised that the first of the Ward meetings was a positive and successful meeting and a date is pending for the 3rd and 4th Ward meeting.

The Manager also advised that a letter was received on this date from First Lady Michelle Obama designating the Borough as a Preserve America community. He also noted that the Codes Hotline for anonymous complaints will be activated on February 9th and a Community Guide is being considered for the Borough.

Solicitor Garner commented that he would be representing Upper Pottsgrove Township as its Solicitor for any negotiations regarding the Commerce Corner. He added that he has been given permission by both municipalities to continue his representation of Upper Pottsgrove on this matter.

President Toroney advised that Attorney Jack Wolf has been retained by the Borough for any negotiations regarding Commerce Corner.

COMMITTEE REPORTS

- a. Library – Mayor Heath advised that she would be unable to attend the Board meetings. Mr. Bobst added that there would be no openings on the Board until October and would request that the minutes be provided by the Library Board.
- b. Human Relations - Approved minutes were in the packets.
- c. PDIDA - Bill Haley was present and provided a history and an outline of projects regarding PDIDA. He reported that he was resigning as the Main Street Manager in March 2010 and requested Council’s consideration in filling the vacant position on PDIDA. Mr. Haley informed Council that the snow removal for the downtown was not satisfactory but will be addressed. He also provided information on new restaurants being established in the downtown.

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- d. Cable – President Toroney noted that a report was distributed in the packets.
- e. COG – Mr. Bobst reported that the Reorganization meeting took place in January with Jim Phillips, Lower Pottsgrove Township being appointed as President and Renee Spaide, Upper Pottsgrove Township as Vice President. He noted that the next meeting is scheduled for March 9th, Douglass Township.
- f. EAC – The next meeting is February 22nd.
- g. Regional Planning – President Toroney noted that he was appointed as Chairman. He advised that issues with the West Pottsgrove and Upper Pottsgrove Townships’ revision plan were discussed. Mr. Toroney also reported that the Fiscal Analysis study for a marketing plan was also a topic of discussion. He added that the proposed cost is \$200,000 and will be reviewed at the February meeting.
- h. Blighted Property Review – Councilor Weand advised that the same members have been reappointed and he was named Chairman. A member of the District Attorney’s office was present and the meetings will continue on the 4th Thursday of the month.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. H.R. 3007 – Motion by Councilor Weand, seconded by Councilor Chomnuk to adopt a Resolution in support of H. R. 3007, the Local Fiscal Assistance Act, to reinstate the federal revenue sharing program for essential public safety expenses.

RESOLUTION NO. 2010 - 3

RESOLUTION FOR LOCAL FISCAL ASSISTANCE ACT

WHEREAS, the United States Congress is considering H.R. 3007 or the Local Fiscal Assistance Act, which would provide direct funding to local governments for essential public services pertinent to all Pennsylvanians; and

WHEREAS, borough communities across our Commonwealth are in need of a flexible assistance program where the federal government may partner with local governments to help create jobs, improve infrastructure, and ensure the continued delivery of essential public functions that communities need to remain viable; and

WHEREAS, any policy efforts by Congress to stimulate the U. S. economy should include a reinstatement of the federal revenue sharing program as proposed in the Local Fiscal Assistance Act; and

WHEREAS, the current proposal before Congress and any related efforts should provide funds directly to local governments to fund such essential expenses as public safety (including police protection, fire safety, and code enforcement), transportation (including street maintenance and transit related initiatives), health programs, recreation facilities, libraries, environmental protection (sewage disposal, public sanitation, and pollution abatement), social services for the poor or aged, and local government administration functions; and

WHEREAS, our fellow small and mid-sized municipalities across the United States do not receive an equitable distribution of federal assistance as compared to larger metropolitan cities. The Local Fiscal Assistance

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Act as proposed under H.R.3007 would help to alleviate this national inequity and would bring parity to the federal funds system of distribution; and

THEREFORE, BE IT RESOLVED that the Borough of Pottstown in partnership with our statewide legislative advocate, The Pennsylvania State Association of Boroughs, respectfully urge our member of the US House of Representatives and both United States Senators to support the federal Local Fiscal Assistance Act of 2009 (H.R. 3007), which would effectively provide \$90 billion to local governments across the country through fiscal year 2011.

BE IT FURTHER RESOLVED, that copies of this resolution be conveyed to our statewide advocates at the Pennsylvania State Association of Boroughs and the appropriate elected officials representing this borough community before the United States Congress and Pennsylvania General Assembly.

ENACTED AND RESOLVED this 8th day of February A.D., 2010.

Motion carried: 7 ayes.

b. Fire Ordinance – Motion by Councilor Kirkland, seconded by Councilor Weand to authorize the Solicitor to advertise an Ordinance amending certain sections of the Code of Ordinance pertaining to the Fire Chief, Administration and Government. Motion carried: 6 ayes, 1 abstention. Councilor Gibson abstained from voting due to his affiliation with Empire Fire Company.

c. 650 Jefferson Avenue – Motion by Councilor Gibson, seconded by Councilor Rhoads to grant a two (2) year extension of time to Pressly Day under the Agreement of Sale for the 650 Jefferson Avenue property to commence construction by May 4, 2012 and substantially complete construction by December 4, 2013. Motion carried: 7 ayes.

d. Pottstown Redevelopment Group – Motion by Councilor Weand, seconded by Councilor Gibson to grant the applicant's request for an extension of time to comply with Condition "G" of the Conditional Use Order of the Pottstown Redevelopment Group, LP until April 10, 2011 or until the existing tenant relocates, whichever shall first occur.

Councilor Weand suggested that it be noted that this action has occurred due to present economic conditions.

Motion carried: 7 ayes.

e. PDIDA – Motion by Councilor Chomnuk, seconded by Councilor Kirkland to appoint Anthony Selby to the Pottstown Downtown Improvement District Authority for a vacant term to expire January 1, 2012.

President Toroney requested a roll-call vote.

Allen	no	Rhoads	yes
Chomnuk	yes	Weand	yes
Gibson	abstain	Toroney	yes
Kirkland	yes		

Motion carried: 5 ayes, 1 nay, 1 abstention. Councilor Gibson abstained due to his relationship with the appointee.

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f. Planning Commission – Motion by Councilor Rhoads, seconded by Councilor Gibson to appoint Christopher Huff to the Pottstown Planning Commission for a four (4) year term to expire February 1, 2014.

President Toroney requested a roll-call vote.

Allen	yes	Rhoads	yes
Chomnuk	yes	Weand	yes
Gibson	yes	Toroney	yes
Kirkland	yes		

Motion carried: 7 ayes.

g. YWCA Parking – Motion by Councilor Weand, seconded by Councilor Rhoads to grant the request of the YWCA, 315 King Street to extend the Parking Agreement for spaces in the Evans Street Lot for four (4) spaces at the monthly rate of \$25 per month and twelve (12) spaces at \$26 per year for the 2010 calendar year. Motion carried: 7 ayes.

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

- a) 69 North Charlotte Street
- b) 259 East High Street
- c) 312 King Street
- d) 377 East High Street

Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Weand, seconded by Councilor Kirkland to pay the outstanding bills in the amount of \$1,642,963.87. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Gibson, on behalf of Council, thanked Staff and employees for their diligence in the recent snowstorms. He also commended the efforts of the redevelopment of 538-540 High Street after the destructive fire.

Mayor Heath provided information on weekend and Valentine events.

Manager Bobst also provided an update on the First Suburbs project to address Section 8 housing and ongoing dialogue along with HUD and the Montgomery County Housing Authority addressing the Housing Voucher program.

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Solicitor Garner also noted that the previously scheduled Conditional Use Hearing for Creative Fuels has been continued to the March 3rd, 6:30 p.m. Committee of the Whole meeting. He also requested Council's authorization to schedule two new hearings for the March 8th Council meeting.

Authorization was granted.

EXECUTIVE SESSION

The regular meeting adjourned to executive session at 8:25 p.m.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Submitted by,

Jason M. Bobst
Borough Manager