

August 9, 2010

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, August 9, 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 Pastor Joseph Maloney.

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

Motion by Councilor Rhoads, seconded by Councilor Weand to approve the July 12, 2010 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Jacob Slick, 474 North Evans Street – requested permission to proceed with planting perennial flowers at the Gateway entrances of the Borough to complete the requirements for his Eagle Scout merit. The project is scheduled for August 16th.
- b. Gene Harding, 219 Potts Drive – commented that landlords should be made to make repairs to their properties.
- c. Ralph Ludy, 707 Hamilton Street – requested reimbursement for medical expenses for himself and his dog, due to an attack by a pit bull.

Mr. Bobst agreed to consult with the Police Department.

- d. Arthur Porreca, 44 West 4th Street – noted that many items on the present rental ordinance are not enforced and suggested that items such as the disruptive conduct be enforced prior to revising the ordinance.

President Toroney noted that the revised draft ordinance would be forwarded to Mr. Porreca, along with the initial landlord group.

August 9, 2010

e. Karen Ludy, P. O. Box 1550 – reiterated Mr. Ludy’s concerns regarding pit bulls. She also complained about stray cats, the Animal Control Officer’s family members working with him and traffic lights being obstructed by buses at High and Adams Streets. She also suggested auditing the Fire Companies.

f. Mark Rechkemmer, 550 General Armstrong – suggested that the proposed ordinance, wherein landlords would provide leases to the Borough, would be a burden and hindrance on landlords. He noted that leases are private agreements between two parties and not part of Borough business.

g. Philip Thees, 63 South Evans Street – agreed with idea of shutting off utilities on rental properties, noting that landlords are making money on their properties.

h. Jim Prendergast, 1304 Walnut Ridge – urged Council to oppose the proposed project regarding the Route 422 Corridor Master Plan. He noted that the funding would hurt economic development in this area.

MAYOR’S REPORT

Mayor Heath provided information on Police Officers’ recent commendations. She also reported that two part-time Parking Enforcement Officers have been hired and will be trained and on the street in the near future.

BOROUGH MANAGER’S REPORT

Manager Bobst provided updates on the First Suburbs project, the Canopy project and the *CleanerPottstown.org* site for filing complaints on the Borough’s website. Mr. Bobst also advised that the sidewalk grant has been resubmitted and being reconsidered by the County. He also advised that there is a delay with the County for decisions on the Revitalization Grants. Mr. Bobst provided an update on the Memorandum of Understanding, advising that the four Solicitors will be reviewing the by-laws and Staff will be providing a job description for the director’s position with the expectation of being in place by January.

Mr. Bobst reported on the reimbursement process of the 2010 snow events. He also explained the proposed 100% grant to complete the Pedestrian Promenade in an approximate amount of \$930,000 with a submission deadline of September 15th. He also reported that the Keystone Boulevard Feasibility Study grant was awarded and working with West Pottsgrove Township on cost sharing items. Mr. Bobst also announced the relocation of the Parks and Recreation Department into Borough Hall as of September 1st.

NEW BUSINESS

a. Resolution – Pamela Rathgeb – Motion by Councilor Gibson, seconded by Maureen Allen to adopt a Resolution honoring Pamela Rathgeb for 33 years of service to the Borough of Pottstown.

August 9, 2010

RESOLUTION NO. 2010 – 18

RECOGNIZING PAMELA RATHGEB FOR 33 YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

WHEREAS, Pamela Rathgeb has served the Borough of Pottstown as a dedicated employee since 1976; and

WHEREAS, during her career with the Borough she served in a number of different capacities including Parkette, PBX Operator, Utility Clerk III, Payroll Clerk, Computer Operator; and

WHEREAS, for the past fourteen years Pamela has worked in the very responsible position as the Information Systems Clerical Work Leader within the Police Department, and during that time she assisted various police departments and other outside agencies, as well as our own internal customers, with the highest level of customer support; and

WHEREAS, Pamela's presence in the Borough Hall will be truly missed by the people that have worked with her.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that Pamela Rathgeb is officially recognized for the outstanding service she has provided the Borough of Pottstown through 33 years of employment; and further that she is extended best wishes for a happy and well-deserved retirement.

Adopted at Pottstown Borough hall, 100 East High Street, this 9th day of August 2010.

Motion carried: 7 ayes.

Mayor Heath read and presented the Resolution to Mrs. Rathgeb in the presence of her family and coworkers.

b. Resolution – Joseph McAnally – Motion by Councilor Weand, seconded by Councilor Chomnuk to adopt a Resolution honoring Joseph McAnally for 10 years of service to the Borough of Pottstown.

RESOLUTION NO. 2010 – 19

RECOGNIZING JOSEPH L. MCANALLY FOR TEN YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

WHEREAS, Joseph L. McAnally has served the Borough of Pottstown as a dedicated employee since 2000; and

WHEREAS, for the past ten years Joseph has worked in the position of Wastewater Treatment Plant Operator II within the Utilities Department, and during that time he assisted our own internal customers and external customers, with a high level of customer support; and

WHEREAS, Joseph's presence at the Wastewater Treatment Plant will be truly missed by the people that have worked with him.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that Joseph L. McAnally is officially recognized for the outstanding service he has

August 9, 2010

provide the Borough of Pottstown through ten years of employment; and further that he is extended best wishes for a happy and well deserved retirement.

Adopted at Pottstown Borough Hall, 100 East High Street, this 9th day of August 2010.

Motion carried: 7 ayes.

COMMITTEE REPORTS

- a. Library – A written report was distributed.
- b. Human Relations - There was no report.
- c. PDIDA - Mr. Bobst advised that the minutes would be provided to Council.
- d. Cable – The July meeting was cancelled and the August meeting has been changed to August 24th.
- e. COG – The next meeting is scheduled for September 14th.
- f. EAC – There was no meeting.
- g. Regional Planning – President Toroney advised that the next meeting is August 25th.
- h. Blighted Property Review – Councilor Weand reported that the next meeting is August 26th and will include the Planning Commission to continue the tour of blighted properties.

President Toroney requested that the approved committee minutes be posted on the website.

UNFINISHED BUSINESS

None.

NEW BUSINESS (CONTINUED)

- c. Presentation – Pottstown Redevelopment Group – Richard Almquist, Vice President of the Pottstown Redevelopment Group, was present and provided background information on the former Mrs. Smith's site. He explained that as part of a Conditional Use approval of April 2006 was a Condition G, to remove the exterior of the yellow skin from the former Feroe Building. He advised that the tenants, Mrs. Smith's Foil Company would consider relocating if the "skin" were removed, due to the loss of heat and cooling that would occur. Mr. Almquist presented various alternatives including a presentation of murals for the building.

August 9, 2010

Solicitor Garner commented that the mural recommendation would eventually be a Council decision and could be considered at the September meeting.

d. Joint Meeting – Motion by Councilor Allen, seconded by Councilor Weand to authorize the Borough Manager to proceed with scheduling and advertising a joint meeting with Pottstown Borough Council and the Pottstown Borough Authority.

Mr. Bobst suggested possible dates of August 30th and August 31st and will confer with the Authority Board.

Motion carried: 7 ayes.

e. Shade Tree Ordinance – Motion by Councilor Allen, seconded by Councilor Chomnuk to authorize the Solicitor to draft a Shade Tree Ordinance as outlined in the August 4, 2010 memorandum.

Solicitor Garner commented that the ordinance will be prepared in a draft ordinance form and reviewed and compared to existing ordinances for consistency.

Councilor Weand requested information on the funding previously provided by the Borough for the maintenance of trees.

Solicitor Garner responded that he would not have the information on funding and typically an ordinance would not specify funding requirements.

Motion carried: 7 ayes.

f. Ordinance – Lincoln & Jefferson Avenues, Code Enforcement – Motion by Councilor Weand, seconded by Councilor Rhoads to adopt an Ordinance amending the Chapter 15, Master Traffic Ordinance, addressing Lincoln and Jefferson Avenues and amending Chapter 5, Code Enforcement.

ORDINANCE NO. 2076

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AMENDING SECTION 102, OF CHAPTER 5, CODE ENFORCEMENT, SECTION 207, ONE WAY STREETS ESTABLISHED, AND SECTION 213, STOP INTERSECTIONS ESTABLISHED, OF CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, OF ALL THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED

Solicitor Garner commented that, as authorized by the Borough Manager, the recommendation from Chief Lengel to address the requirements for licensing of master plumbers and electricians, was including in this ordinance as a cost saving measure.

Motion carried: 7 ayes.

August 9, 2010

g. PIRMA – Motion by Councilor Weand, seconded by Councilor Rhoads to adopt an Ordinance authorizing the membership into the Pennsylvania Intergovernmental risk Management Association.

ORDINANCE NO. 2077

AN ORDINANCE AUTHORIZING THE BOROUGH OF POTTSTOWN TO JOIN OTHER GOVERNMENT UNITS AS A MEMBER OF THE PENNSYLVANIA INTERGOVERNMENTAL RISK MANAGEMENT ASSOCIATION (THE “ASSOCIATION”) FOR THE PURPOSE OF ENTERING INTO AN INTERGOVERNMENTAL CONTRACT TO FORM A LOCAL GOVERNMENT RISK POOL, TO PROVIDE FOR JOINT OR COOPERATIVE ACTION BY MEMBERS RELATIVE TO THEIR FINANCIAL AND ADMINISTRATIVE RESOURCES FOR THE PURPOSE OF PROVIDING RISK MANAGEMENT SERVICES AND RISK-SHARING FACILITIES TO THE MEMBERS AND TO THE MEMBERS’ EMPLOYEES, AND TO DEFEND AND PROTECT, IN ACCORDANCE WITH THIS AGREEMENT, ANY MEMBER OF THE POOL AGAINST LIABILITY AS OUTLINED IN THE APPENDIX TO THE INTERGOVERNMENTAL CONTRACT.

Motion carried: 7 ayes.

h. Towing Licenses – Motion by Councilor Rhoads, seconded by Councilor Chomnuk to award bids for Class I Towing Licenses (two) to Mann’s Towing & Road Service, 235 West High Street, Pottstown and Sanatoga Auto Body, 14 South Sanatoga Road, Sanatoga, for the period of January 1, 2011 through December 31, 2012. Motion carried: 7 ayes.

i. House Bill 2431 – Motion by Councilor Weand, seconded by Councilor Allen to authorize the Borough Manager to send a letter to appropriate elected officials in opposition of House Bill 2431, Reorganizing Local Government. Motion carried: 7 ayes.

j. Carousel of Flavor – Motion by Councilor Gibson, seconded by Councilor Chomnuk to grant request of the Carousel at Pottstown to conduct its annual “Carousel of Flavor” event on September 26, 2010 resulting in the closing of High Street between York and Hanover Street from 10:00 a.m. to 6:00 p.m. subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

k. Carousel of Flavor – Motion by Councilor Chomnuk, seconded by Councilor Weand to grant request of the Carousel at Pottstown to establish a beer and wine garden for its “Carousel of Flavor” event on September 26, 2010, subject to approval of the Pottstown Police Department and the PA Liquor Control Board. Motion carried: 6 ayes, 1 nay. Councilor Allen cast the negative vote.

August 9, 2010

1. US 422 Corridor Master Plan – Motion by Councilor Weand, seconded by Councilor Kirkland to adopt a Resolution endorsing Principles and Strategies of the US 422 Corridor Master Plan, exclusive of the concept of tolling Route 422.

Councilor Gibson commented that he had concerns with the responses from the County representatives regarding the Keim Street Bridge and the time line considered for its repair. He added that improvements to the 422 bypass would not benefit the Borough, only areas such as King of Prussia and Lower Merion.

President Toroney requested a roll-call vote.

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

Motion denied: 5 nays, 2 ayes.

m. Heuer Subdivision – Motion by Councilor Weand, seconded by Councilor Chomnuk to deny the Heuer Subdivision Plan of William Heuer, for the reasons set forth in the Bursich Associates' letter of February 19, 2010 and authorize the Solicitor to send written notice of denial. Motion carried: 7 ayes.

n. Spruce Street Subdivision – Motion by Councilor Kirkland, seconded by Councilor Gibson to grant preliminary/final approval for the 455 Spruce Street Subdivision and Land Development Revised Plan subject to satisfying the following conditions within 90 days:

- a) Compliance with the Bursich letter of July 16, 2010
- b) Compliance with the Montgomery County Planning Commission letter of July 19, 2010
- c) Submission of revised architectural elevations
- d) Improvement to alley acceptable to Bursich Associates and the Public Works Department
- e) Payment in full of all borough review
- f) Payment in lieu of open space in the amount of \$500
- g) Applicant to complete required improvements to Lot #2, prior to recording of plan
- h) Preparation and execution of a recorded agreement guaranteeing completion of improvements to Lot #1, in a form acceptable to the Borough and Borough Solicitor

Motion carried: 7 ayes.

o. Spruce Street Subdivision – Motion by Councilor Kirkland, seconded by Councilor Weand to grant the following waiver request from the Subdivision and Land

August 9, 2010

Development Ordinance for the Spruce Street Subdivision and Land Development Revised Plan.

- a) Section A402.1 – requirement of showing existing features within one hundred (100) feet of site
- b) Section A402.2 – requirement of contour elevations within one hundred (100) feet of site
- c) Section A504 – requirement of open space
- d) Section A527 – requirement of minimum sidewalk width from four and one-half (4½) feet to four (4) feet

Motion carried: 7 ayes.

p. Codes Board of Appeals – Motion by Councilor Allen, seconded by Councilor Gibson to reappoint Gail Palladino to the Codes Board of Appeals for a one-year term to expire August 8, 2011. Motion carried: 7 ayes.

q. Codes Board of Appeals – Motion by Councilor Rhoads, seconded by Councilor Weand to appoint Jeffrey Leflar to the Alternate position on the Codes Board of Appeals. Motion carried: 7 ayes

r. EAC – Motion by Councilor Weand, seconded by Councilor Rhoads to reappoint Brian George and Jeffrey Williams to the Environmental Advisory Council for three-year terms to expire August 10, 2013. Motion carried: 7 ayes.

s. Ad hoc Trash Committee – Motion by Councilor Gibson, seconded by Councilor Allen to ratify the President’s appointments to the Ad hoc Trash Committee as follows: Environmental Advisory Council, David Garner, Don Read, Judy Zahora, Doug Yerger and Jason Bobst. Motion carried: 7 ayes.

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

- a) 447 East High Street
- b) 401 East High Street
- c) 28 King Street
- d) 15 North York Street
- e) 57 North Franklin street
- f) 1122 East High Street
- g) 1116 East High Street

Motion carried: 7 ayes.

u. HARB – Motion by Councilor Allen, seconded by Councilor Chomnuk to ratify action of the Building Permit Officer approving a Certificates of Appropriateness for the following properties:

August 9, 2010

- a) 709 High street
- b) 414 High Street
- c) 133 High Street

Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Weand, seconded by Councilor Gibson to pay the outstanding bills in the amount of \$2,277,745.02. Motion carried: 7 ayes.

ANNOUNCEMENTS

President Toroney announced that he added Doug Dilliplane to the Zoning Review Committee.

Mayor Heath reviewed the upcoming events throughout the Borough.

Councilor Kirkland reminded all that the next Ward meeting for Wards 6 and 7 is scheduled for August 10th, 7:00 p.m. at the Church of the Nazarene.

ADJOURNMENT

The meeting adjourned at 8:35 p.m. on motion by Councilor Allen.

Submitted by,

Jason M. Bobst
Borough Manager