

December 13, 2010

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, December 13, 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 Reverend David Farrington.

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 Rhoads, seconded by Councilor Chomnuk to approve the November 8, 2010 Council meeting minutes. Motion carried: 7 ayes.
- b. Motion by Councilor Weand, seconded by Councilor Allen to approve the November 30, 2010 Special Budget meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. David Garner, 339 Grandview Road – suggested to Council that it not act on the 2011 budget at this meeting and allow additional time for public comment. He added that the budget before Council is not the same as the one advertised and on the Borough website. He also noted that he has asked several questions and has received no answers regarding the budget.
- b. Don Read, 810 Spruce Street – questioned Fund 11, the PCTV fund and a resolution of establishing surpluses for the \$147,000 deficit. He also questioned the 40% increase in Fund 14, the Fire Fund and suggested a public explanation. Mr. Read also noted that there is no mandate for the taxpayers to fund health insurance for dependents less than 26 years of age.
- c. Newstell Marable, President NAACP, 880 Cross Street – supported the recommendation of naming the Transit Center after Charles Dickinson for his 31 years of service to the bus system. Mr. Marable also reiterated his request to rename Armand Hammer Boulevard to Dr. Martin Luther King, Jr. Boulevard and provided a packet of information to Council. He also expressed his concern for the lack of minorities hired in the Borough.

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MAYOR'S REPORT

Mayor Heath reported that the Police Department is actively seeking resolutions to criminal activity and investigations. She also reported on the success on the holiday events in the downtown.

BOROUGH MANAGER'S REPORT

Manager Bobst provided an update on the Keim Street Bridge and the traffic impact of its closure. He noted that PennDOT would be installing a temporary traffic light at Moser Road and Industrial Highway at Yost Road, which will be a cost sharing for the electric between the Borough and Lower Pottsgrove Township. Mr. Bobst also advised that Customer Service training for all Borough employees would be provided through the Montgomery County Community College for the New Year. Additional items presented were the new software for Permit n Force, the March construction of the Manatawny Bridge over High Street, the County's Analysis of Impediments to Fair Housing and the County Revitalization funding, which may be tied to the bond for the County Prison construction project. Mr. Bobst also noted that a Community Revitalization Task Force will be formed for 2011 and he would like to introduce a Citizens' Information Program for Borough government matters. He also provided information from PSAB regarding upcoming Acts and House Bills, which could potentially affect municipalities.

Mr. Bobst also advised that Wal-Mart has submitted a letter requesting to proceed with construction and requesting a waiver of the building and plan review process in order to begin construction in the spring. Wal-Mart is requesting that a separate escrow be established in lieu of the building and plan review process.

President Toroney noted that this would be listed for consideration on this evening's agenda.

COMMITTEE REPORTS

- a. Library – There was no report.
- b. Human Relations - Minutes were distributed in the packets.
- c. PDIDA - Mr. Wildrick provided an update on the holiday events and thanked all those involved with the events and the new attitude and momentum throughout the downtown.
- d. Cable – There was no report.
- e. COG – Mr. Bobst advised that the location of cell phone towers was a topic of discussion. The next meeting is January 11th in Upper Pottsgrove Township.
- f. EAC – President Toroney advised that the RFP's for the Recycling Coordinator are in progress.

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g. Regional Planning – President Toroney advised that the RFP’s have been completed for the Marketing and Fiscal Analysis Study and the process should take approximately one year. He added that the meetings for 2011 would be in Borough Hall, 4th Wednesday of the month.

h. Blighted Property Review – Councilor Weand referred to the minutes distributed and noted that the December 15th meeting has been cancelled.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. John Ackerman – Motion by Councilor Rhoads, seconded by Councilor Weand to ratify Council’s action of December 8, 2010 adopting a Resolution honoring retiree John D. Ackerman.

RESOLUTION NO. 2010 – 35

RECOGNIZING JOHN D. ACKERMAN FOR 31 YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

WHEREAS, John D. Ackerman has served the Borough of Pottstown as a dedicated employee since 1979; and

WHEREAS, during his career with the Borough he served in a number of different capacities including Skilled Laborer, Wastewater Treatment Plant Operator, Water Treatment Plant Operator; and

WHEREAS, for the past two years John has worked in the position of Water Treatment Plant Operator / Fully Certified, and during that time he was called to duty at various times of the day and night in all types of weather conditions in order that customers could receive the best level of customer service possible; and

WHEREAS, John’s presence at the Water 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 John D. Ackerman is officially recognized for the outstanding service he has provided the Borough of Pottstown through 31 years of employment; and further that he is extended best wishes for a happy and well-deserved retirement.

Motion carried: 7 ayes.

b. Richard Stuber – Motion by Councilor Rhoads, seconded by Councilor Weand to ratify Council’s action of December 8, 2010 adopting a Resolution honoring retiree Richard R. Stuber.

RESOLUTION NO. 2010 – 36

RECOGNIZING RICHARD R. STUBER FOR FOURTEEN YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

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WHEREAS, Richard R. Stuber has served the Borough of Pottstown as a dedicated employee since 1996; and

WHEREAS, for the past fourteen years Rick has worked in the position of Code Enforcement Officer within the Codes Department, and during that time he assisted homeowners, contractors, landlords and tenants, and our own internal customers, with a high level of customer support and technical expertise; and

WHEREAS, Rick's presence at Borough Hall 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 Richard R. Stuber is officially recognized for the outstanding service he has provided the Borough of Pottstown through fourteen years of employment; and further that he is extended best wishes for a happy and well-deserved retirement.

Motion carried: 7 ayes.

c. 2011 Budget – Motion by Councilor Allen, seconded by Councilor Chomnuk to approve the 2011 Budget with total revenues of \$39,246,650.00 and total expenditures of \$39,246,650.00 as outlined in the 2011 Proposed budget dated December 13, 2010.

Councilor Gibson advised that he would abstain from voting due to his affiliation with the Fire Company and as recorded below.

ABSTENTION MEMORANDUM

TO: VIRGINIA L. TAKACH, POTTSTOWN BOROUGH SECRETARY

FROM: MARK GIBSON, POTTSTOWN BOROUGH COUNCILOR

12/13/10

Upon advice of the Pottstown Borough Solicitor, my vote on the 2011 budget and taxing ordinance could be construed as a conflict of interest under the Public Officials and Employees Ethics Act. The impact of the budget and tax ordinance increases the fire tax millage and the financial contributions from the Borough of Pottstown to all four private fire companies. As a paid employee of the Empire Hook and Ladder Fire Company, this increase in the fire company allocation could be construed that I am receiving a direct pecuniary benefit. As required by Section 1104(j) of the State Ethics Act, please note my abstention on the 2011 budget and the 2011 taxing ordinance. I am providing a copy of this written Memorandum to Borough Secretary, Virginia L. Takach.

Mark S. Gibson
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Manager Bobst added that the only way to achieve a no tax increase would be to eliminate the increase in health insurance for the paid drivers or reduce health care costs to the parks and Recreation department. He also explained the \$2 million increase in expenses is through the grant fund and becomes a wash through the revenue side.

President Toroney requested a roll-call vote.

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

Motion carried: 5 ayes, 1 nay, 1 abstention.

d. 2011 Tax Ordinance – Motion by Councilor Allen, seconded by Councilor Weand to adopt an Ordinance to fix the Borough tax rate for real property for the Year 2011 as follows:

ORDINANCE NO. 2081

AN ORDINANCE OF THE BOROUGH OF POTTSTOWN, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2011

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Pottstown, County of Montgomery, Commonwealth of Pennsylvania: That a tax be and the same is hereby levied on all real property within the Borough of Pottstown subject to taxation for the fiscal year 2011 as follows:

Tax rate for general purposes, the sum of	6.02816 mills
For debt purposes, the sum of	1.06871 mills
For fire house maintenance purposes, the sum of	1.50624 mills
For library purposes, the sum of	0.19700 mills
For street light purposes, the sum of	0.33670 mills
For parks and recreation purposes, the sum of	<u>0.90502 mills</u>
TOTAL MILLAGE	10.04183 mills

That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

Councilor Gibson again noted that he would abstain due to his affiliation with the Fire Department and as stated above.

President Toroney requested a roll-call vote.

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

Motion carried: 5 ayes, 1 nay, 1 abstention.

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e. Amendment Fee Resolution – Motion by Councilor Weand seconded by Councilor Chomnuk to adopt a Resolution amending the Comprehensive Borough Fee Resolution.

RESOLUTION NO. 2010 - 37

A RESOLUTION AMENDING THE COMPREHENSIVE BOROUGH FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO MODIFY CERTAIN FEES ASSOCIATED WITH BUILDING PLAN REVIEW, AIRPORT FEES AND PUBLIC WORKS FEES.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown adopted a Comprehensive Fee Resolution on July 10, 1995; and

WHEREAS, the Borough periodically reviews the Fee Resolution to determine if additions or amendments to the Fee Resolution are necessary and appropriate; and

WHEREAS, based upon recommendation of the Code Enforcement Office, the Airport Committee, and the Public Works Department, the Borough of Pottstown desires to amend certain fees that are part of the existing Fee Resolution.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, as follows:

SECTION 1. The following fees imposed by the Code Enforcement Office associated with building plan reviews shall be amended to provide as follows:

Reviews (Based upon square footage)	FEE
Residential Building Plan	\$0.40 per square foot (\$250.00 minimum)

SECTION 2. The following fees associated with the Pottstown Municipal Airport relating to rentals of Tie-Down space and Hangar space shall be amended and provide as follows:

Type of Space	Monthly Rental Amount
Tie-Down	\$76.00
Originally constructed hangars	\$226.00
Newly constructed T-Hangars	\$301.00

SECTION 3. The following additional fee shall be created for Public Works Services and shall provide as follows:

Equipment Price List for Billable Work	
Pick-Up Truck	\$ 50.00 per hour

SECTION 4. All future modifications of fees established by the Borough shall be made by Resolution duly adopted by the Burgess and Town Council of the Borough of Pottstown.

SECTION 5. The fees set forth in this Resolution shall become effective January 1, 2011.

Motion carried: 7 ayes.

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f. 2011 Audit – Motion by Councilor Weand, seconded by Councilor Gibson to accept the proposal of Maillie, Falconiero & Company, LLP, to conduct the Pottstown Borough's Financial Audit for 2011 in an amount not to exceed \$66,655.

Mr. Bobst confirmed that this would result in a savings of \$15,000.

Motion carried: 7 ayes.

g. Berkheimer Liaison Officer – Motion by Councilor Allen, seconded by Councilor Gibson to adopt a Resolution appointing Janice Lee to act as a Liaison Officer between the Borough of Pottstown and Berkheimer, Inc.

RESOLUTION NO. 2010 – 38

A RESOLUTION OF THE GOVERNING BODY OF POTTSTOWN BOROUGH, MONTGOMERY, COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BODY OF POTTSTOWN BOROUGH TO APPOINT A LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF EARNED INCOME TAX FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania (53 P.S. §6901 et seq.), enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including Pottstown Borough, Montgomery County, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, Pottstown Borough, as part of the Montgomery County Tax Collection District, has entered into contractual agreement with Berkheimer of Bangor, Pennsylvania, whereby and whereunder Berkheimer has been appointed to collect Earned Income Tax; and

WHEREAS, said Act 511 specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of Pottstown Borough, Montgomery County, specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, as follows:

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1. Pottstown Borough, Montgomery County, hereby appoints Janice Lee, as its authorized representative, to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for Pottstown Borough, as desired and deemed necessary by Borough, to be used for official purposes only; and

2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for Pottstown Borough, upon request, to Janice Lee as the authorized contact representative for it.

3. Pottstown Borough, Montgomery County, hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

Motion carried: 7 ayes.

h. Berkheimer – Cost on Taxpayer – Motion by Councilor Weand, seconded by councilor Chomnuk to adopt a Resolution authorizing Berkheimer to impose and retain costs of collection of taxes on delinquent taxpayer.

RESOLUTION NO. 2010 –39

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING BERKHEIMER TO SERVE AS THE BOROUGH EIT TAX COLLECTOR BEGINNING JANUARY, 2011, AS THE TCD TAX COLLECTOR IN THE BOROUGH OF POTTSTOWN.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown levies a tax on earned income and net profits of residents of Pottstown Borough under the Local Tax Enabling Act, 53 P.S. §6910, et seq.; and

WHEREAS, Act 32 of 2008 amended the Local Tax Enabling Act to provide for county-wide collection of EIT levied by school districts and municipalities; and

WHEREAS, Act 32 of 2008 created the Montgomery County Tax Collection District (“TCD”) and the Montgomery County Tax Collection Committee (“TCC”) to govern the TCD and to retain a tax collector to collect EIT levied by municipalities and school districts within the TCD beginning January 1, 2012; and

WHEREAS, the TCC has appointed Berkheimer Tax Administrator (“Berkheimer”) to serve as the TCD Tax Collector beginning January 1, 2012; and

WHEREAS, the Tax Collection Agreement between the TCC and Berkheimer will permit municipalities and school districts in the TCD to appoint Berkheimer to collect Earned Income Tax effective January 1, 2011; and

WHEREAS, Pottstown Borough has determined that it will be beneficial to the Borough to begin using Berkheimer to collect EIT beginning January 1, 2011.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, as follows:

SECTION 1. Effective January 1, 2011, in accordance with the terms and conditions of the Tax Agreement between the TCC and Berkheimer, Berkheimer shall serve as the Borough’s EIT tax collector for the 2011 tax year, with the express understanding that the current earned income tax collection contract with Berkheimer will continue to collect taxes levied in the 2010 tax year through the close-out of the 2010 tax year, including receiving fourth quarter employer and individual remittances, individual final returns, employer year-

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end reconciliations and delinquent taxes or reports arising from the completion of tax year 2010 until June 30, 2012, at which time such delinquent taxes or reports shall become the responsibility of the TCC appointed tax collector, Berkheimer.

SECTION 2. Effective December 31, 2010, Berkheimer will continue to serve as the Borough's EIT Tax Collector in the capacity of the TCD Tax Collector and, in addition, Berkheimer will be responsible for the continued collection of EIT tax levied in 2010, including receiving individual fourth quarter employer and individual remittances, individual final returns, employer year-end reconciliations and delinquents arising from the completion of tax year 2010 until June 30, 2012.

SECTION 3. Effective December 31, 2010, the existing contract between the Borough and Berkheimer will terminate for future tax years; however, the terms and conditions of the existing contract will continue to govern Berkheimer's collection of taxes levied in 2010 and the transition of tax records.

SECTION 4. Any Resolution or parts thereof inconsistent herewith are hereby rescinded, cancelled and annulled.

Motion carried: 7 ayes.

i. 2011 Meeting Schedule – Motion by Councilor Allen, seconded by Councilor Rhoads to approve and advertise the 2011 Council Meeting schedule. Motion carried: 7 ayes.

j. False Alarm Ordinance – Motion by Councilor Rhoads, seconded by Councilor Chomnuk to adopt an Ordinance amending the regulations concerning false Fire Department alarms and false Police Department alarms.

ORDINANCE NO. 2082

AN ORDINANCE AMENDING PART 1, BURGLAR ALARM MONITORING SYSTEM, OF CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO REVISE PART 1 TO BE KNOWN AS ALARM MONITORING SYSTEMS; TO CREATE SUBPART A WHICH ESTABLISHES REGULATIONS AND STANDARDS APPLICABLE TO FIRE DEPARTMENT ALARMS; TO CREATE SUBPART B WHICH ESTABLISHES REGULATIONS AND REQUIREMENTS FOR BURGLAR, DURESS, AND HOLD-UP ALARM SYSTEMS; AND TO CREATE SUBPART C PROVIDING FOR PENALTIES FOR VIOLATIONS FOR BOTH SUBPARTS A AND B

Councilor Gibson again noted that he would abstain due to his affiliation with the Fire Department and as stated above.

Solicitor Garner confirmed that this amendment changes the collection of false alarms through the Police Department and a minor change through the Fire Department.

Motion carried: 6 ayes, 1 abstention.

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k. PMAM Agreement – Motion by Councilor Rhoads, seconded by Councilor Allen to authorize the entrance into an Agreement with PMAM Corporation for the operation and service of a False Alarm Management Program for Police alarms. Motion carried: 7 ayes.

l. Police Pension Plan – Motion by Councilor Gibson, seconded by Councilor Chomnuk to adopt an Ordinance amending the Police Pension Plan.

ORDINANCE NO. 2083

AN ORDINANCE OF THE BOROUGH OF POTTSTOWN AMENDING SUBPARAGRAPH 4 AND CREATING A NEW SUBPARAGRAPH 5, OF SECTION 717, DISABILITY RETIREMENT, OF PART 7, POLICE PENSION PLAN, OF CHAPTER 1, ADMINISTRATION AND GOVERNMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED TO INCORPORATE STATUTORILY PRESCRIBED BENEFITS OF POLICE PENSION PLANS PURSUANT TO ACT 51, ENACTED OCTOBER 9, 2009

Solicitor Garner explained that this Ordinance is a modification to the existing Ordinance to be in compliance with state law and Act 51.

Motion carried: 7 ayes.

m. PennDOT Detour Plan – Motion by Councilor Weand, seconded by Councilor Rhoads to approve PennDOT's request for a revised detour plan for the High Street over Manatawny Creek Bridge Replacement Project

Mr. Bobst noted that PennDOT has submitted a detour plan with state roads in place and this would serve as an alternate plan.

Motion carried: 7 ayes.

n. TCDI Grant Project – Motion by Councilor Chomnuk, seconded by Councilor Gibson to approve the revised scope and budget for the West Pottsgrove Township/Pottstown Borough, Industrial Zone Transportation Access Study and TCDI Grant Project, and authorize execution of a Professional Services Agreement with Rettew with respect to this project.

Motion carried: 7 ayes.

o. Letter of Intent – Motion by Councilor Rhoads, seconded by Councilor Allen to authorize Staff to submit a letter of intent to the Towns and Tours Grant Program to enhance the Schuylkill River Heritage Area and the marketability of the downtown. Motion carried: 7 ayes.

p. 152 East High Street – Motion by Councilor Rhoads, seconded by Councilor Weand to authorize the Borough Manager to send a letter of support to WGI Holdings, LLC to submit a grant application to the Montgomery County's Economic Development Program for the purchase of 152 East High Street. Motion carried: 7 ayes.

President Toroney suggested that the letter be signed by each Councilor.

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q. Transit Center – Motion by Councilor Chomnuk, seconded by Councilor Allen to adopt the name of *Charles Dickinson Transit Center* for the transit center located at One Security Plaza.

Councilor Kirkland recommended postponing this matter in order to allow more input and suggestions from the public.

Councilor Chomnuk advised that this was discussed at several meetings along with an article in the Mercury. Councilor Allen agreed, stating that it should be named before the year's end.

Councilor Kirkland moved to table this matter. Councilor Rhoads seconded the motion.

President Toroney requested a roll-call vote

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

Motion denied: 5 nays, 2 ayes.

President Toroney requested a roll-call vote on the original motion.

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

Motion carried: 4 ayes, 3 nays.

r. Maplewood Video – Motion by Councilor Chomnuk, seconded by Councilor Weand to authorize Staff to open negotiations between Maplewood Video Productions and the Borough of Pottstown for the operation of PCTV. Motion carried: 7 ayes.

Councilor Chomnuk and Councilor Weand volunteered to serve on this committee and requested evening meetings.

s. Manhole Repair Bid – Motion by Councilor Weand, seconded by Councilor Gibson to award bid for the Manhole Repair Project to Delaware Valley Paving, Valley Forge, PA, subject to review by the Borough Solicitor. Motion carried: 7 ayes.

t. Water & Sewer Trench Patching – Motion by Councilor Weand, seconded by Councilor Chomnuk to award bid for the Water & Sewer Trench Patching to Reading Site Contractors, Pottstown, PA, subject to review by the Borough Solicitor. Motion carried: 7 ayes.

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u. Fuel Bids – Motion by Councilor Weand, seconded by councilor Chomnuk to reject the Fuel bids and to authorize Staff to rebid. Motion carried: 7 ayes.

v. Highway Materials – Motion by Councilor Weand, seconded by Councilor Allen, to award Highway Material as follows:

- a) Items A-H & L to Sanatoga Blacktop, Reading, PA.
- b) Item I to Sanatoga Quarry, Sanatoga, PA
- c) Items 2A – 2G to Douglassville Quarry, Douglassville, PA

Motion carried: 7 ayes.

w. Highway Materials – Motion by Councilor Weand, seconded by Councilor Allen to reject Items 5A1 – 5A14, 5B & 5C and authorize Staff to rebid. Motion carried: 7 ayes.

x. Ductile Pipe & Fittings – Motion by Councilor Weand, seconded by Councilor Allen to award Ductile Pipe & Fittings as follows and subject to review of the Borough Solicitor:

- a) Items 1A –IF, 9, 13, 14 to HD Supply Waterworks, Plymouth Meeting, PA
- b) Items 2, 3, 4, 5, 5A, 6, 7, 8, 10,12, 15, 16 and 17 to L/B Water Service, Ephrata, PA
- c) Item 11 to Rio Supply, Inc, Rockledge, PA

Motion carried: 7 ayes.

y. Street Line Painting – Center Line & Lane Lines and Street Line Painting – Motion by Councilor Weand, seconded by Councilor Allen to reject all bids and authorize Staff to rebid. Motion carried: 7 ayes.

z. HARB - Motion by Councilor Chomnuk, seconded by Councilor Allen to approve Certificates of Appropriateness for the following property as recommended by HARB: 842 High Street. Motion carried: 7 ayes.

aa. HARB - Motion by Councilor Rhoads, seconded by Councilor Weand to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

- a) 950 High Street
- b) 1101 East High Street

Motion carried: 7 ayes.

ab. Wal-Mart – Motion by Councilor Weand, seconded by Councilor Gibson to allow Wal-Mart to proceed with an informal building permit plan review and to post an escrow account to cover costs of review fess.

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Solicitor Garner advised that there would be no need to have this come before the Planning Commission.

President Toroney opened a public hearing at 8:15 p.m. and requested public comment. Hearing none, he closed the hearing at 8:16 p.m.

Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Weand, seconded by Councilor Allen to pay the outstanding bills in the amount of \$2,056,358.62. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Gibson commented that he understood his position on Council and his association with the Fire Department and the need to abstain from voting on certain matters. He also indicated that certain emails have suggested his resignation as of January 1st. Councilor Gibson directed comments to the audience noting that an individual may be a lackey for other people.

Don Read, a member of the audience, questioned Councilor Gibson if he called him a "lackey" and reminded Councilor Gibson that the meeting was being recorded.

Manager Bobst reminded all of the Joint Meeting with the School Board, scheduled for December 20th, 7:30 p.m. at the Middle School. The agenda will include a presentation on the Community Lands Trust concept, tax assessment process, PAID and the Mrs. Smith's development. He also advised that Borough Hall would be closed on December 24th and December 31st for the Christmas holiday.

ADJOURNMENT

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

Submitted by,

Jason M. Bobst
Borough Manager