

February 8, 2016

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 8, 2016 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Weand in the Chair.

CALL TO ORDER

INVOCATION

The invocation was provided by Mayor Thomas.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Ryan Procsal, Carol Kulp, Sheryl Miller, Dennis Arms, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Borough Manager Mark Flanders, Assistant Borough Manager Erica Batdorf, Solicitor Charles Garner, Mayor Sharon Valentine-Thomas and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

a. January 4, 2016 – Reorganization Meeting – Motion by Councilor Kirkland, seconded by Councilor Kulp to approve the January 4, 2016 meeting minutes as presented. Motion carried: 7 ayes.

b. January 11, 2016 – Council Meeting – Motion by Councilor Kirkland, seconded by Councilor Kulp to approve the January 11, 2016 Council meeting minutes as presented.

Councilor Paez requested that the minutes reflect that the Human Relations Commission now meets at the home of Diana O'Bryant.

Councilor Miller requested that the minutes reflect that the Ad Hoc Safety Committee members consist of Councilors Arms, Miller and Procsal and Mayor Thomas. She also requested that it be noted that the Animal Committee still exists but not listed in the appointments.

Councilor Miller added that the minutes should reflect that the Ward 1-2 has the highest number of responses involving building fires.

Motion carried: 7 ayes (with amendments as noted.)

COMMENTS FROM CITIZENS PRESENT

a. Charlie Pierce, 260 West Beech Street – provided an update on the Phillies Fire

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Company. He reported that two new volunteers have joined the Company. He noted that two Assistant Chiefs have rejoined and will continue with the Junior and Mentoring programs. Mr. Pierce provided information of upcoming events and fundraisers. He also commented on North End's lack of funding available to replace the heater. He noted that in 65 years, the Company has not asked for any assistance. He also reported that he has been in contact with Columbia Boiler to seek information on repairing or replacing the heater.

b. Bruce Madara, 543 North Adams Street – spoke in opposition of making any deals for people to help people pay their taxes, which could set a precedence. He noted that both the Borough employees and School District employees are paid sizeable salaries, which essentially comes from the taxpayers and noted that all tax payers are struggling.

c. Judy Memberg, Genesis Housing – provided information on Housing Counseling and money management and home buying classes beginning in March. She also provided background information and the services provided by Genesis Housing.

MAYOR'S REPORT

Mayor Thomas noted that she provided the majority of her report at the Committee of the Whole meeting. She added that she attended a presentation at the Colebrookdale Railroad, introducing the new 7236 Engine, along with community leaders of the Borough of Boyertown. Mayor Thomas provided information on upcoming events at the Ricketts Center, including a vertical garden. She also provided a chart and recent crime statistics in the Police Department.

MANAGER'S REPORT

Manager Flanders advised that notification has been received from DEP regarding the recycling grant. He noted that the upcoming payment for the 2013 recycling program is \$59,204. Mr. Flanders also noted that Captain Robert Thomas has been officially appointed by Governor Wolf as the Borough's Emergency Management Coordinator.

Mr. Flanders advised that the Public Works Facility's contractor is now working on the punch list items. He added that he recently approved a Change Order in the amount of \$5,028.48 for additional insulation, bringing the new total to the amount of \$4,103,295.66, which results in \$29,167 above the original contract price.

Mr. Flanders reported that a new electronic sign is in place at High and Charlotte Streets, being funded by the 2013 Waste Management proceeds, with several to be added throughout town in the near future. He added that Borough Hall will be closed on February 15th in honor of President's Day. Mr. Flanders also provided information on the \$118,000 initial payment for the new radio system. He also noted that the Promissory Notes were prepared and sent to the four Fire Companies regarding the repayment of the loans for emergency radio equipment. Mr. Flanders also requested Council's consideration in approving an amendment to the four Fire Service Agreements to include a standardized form for reporting a statement of finances for the previous year's allocation from the Borough, bringing the reporting and the agreements in compliance with State law.

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President Weand noted that this would be added to the agenda.

SUBCOMMITTEE REPORT

a. Finance & Administration – President Weand noted that there was a discussion regarding the North End Fire Company’s request for assistance for the boiler. Additional topics were the Regional Procurement for the replacement of 2,100 lights in the Borough and with the unified reporting for the Fire Companies.

b. Safety – Councilor Miller read a letter received from the American Red Cross for the Fire Company’s assistance with the smoke detector project on January 16th.

Chief Drumheller reported that the recommendation of having a portion of South Street one-way is on-going. The Chief will provide additional information at the next meeting. He also noted that the Department is in need of a new location for its sub-station.

COMMITTEE REPORTS

a. Library – Arthur Green provided information on upcoming events, including the April 22nd, Charlie Zahn concert. He also noted that the Library is in the process of seeking grants to enhance internet ability for patrons of the Library. Mr. Green also provided the status on the building renovations at the Library.

PUBLIC HEARING – FLOODPLAIN ORDINANCE

President Weand announced a public hearing at 7:30 p.m. for the purpose of reviewing the proposed Floodplain Ordinance.

Solicitor Garner explained the requirements of FEMA to adopt an amended Floodplain Ordinance and invited public comments.

a. Arthur Green, 121 North Hanover Street – questioned if there would be any impact on the Montgomery County Community College, 101 College Drive.

Solicitor Garner advised that there were very few changes based on the new floodplain map. He added that it should not impact any buildings presently existing and would provide a safeguard in the event of any new construction.

b. Madeline Schadler, 129 South Keim Street – questioned if the new townhouses on Industrial highway are effected by the proposed ordinance.

Solicitor Garner advised that the last time the ordinance was updated was the 1980’s and therefore any new design would be protected under the new ordinance.

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

PUBLIC HEARING – CONDITIONAL USE CRITERIA

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Solicitor Garner opened a public hearing and explained the requirements under the Municipalities Planning Code that a public hearing is required for any changes to the Zoning Ordinance. He also noted that the proposed criteria for conditional use applications is recommended by the Ad hoc Zoning Review Committee.

There was no public comment and the hearing closed at 7:40 p.m.

(COMMITTEE REPORTS CONTINUED)

b. Human Relations – Diana O’Bryant was present for the Commission and reiterated the request to update the ordinance to include nine members and the request for enforcement powers. Ms. O’Bryant also explained that in order to apply for grants, the Commission would need to be approved for enforcement powers and explained that HUD would pay the Commission to do this work for them.

c. PDIDA – Ms. Dugan provided an update on the FARM initiative with an opening date of May 5th. She also advised that several fundraisers and events are planned throughout the downtown.

d. COG – There was no meeting.

e. EAC – There was no report.

f. Regional Planning – Councilor Procsal advised that the Committee sent a letter of support for a new traffic light at Route 724 and Peterman Road. He added that the Committee is awaiting the traffic study regarding the proposed homes in New Hanover Township. Mr. Procsal also noted that a one-of-a kind trumpet museum existed in East Coventry Township.

g. Blighted Property Review – President Weand advised that he is resigning from the committee and an appointment is listed on the agenda.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Policy Regarding Act 90 - Motion by Councilor Kirkland, seconded by Councilor Kulp, to authorize Staff to move forward with establishing a policy regarding the issuing of permits in cases where Act 90 applies.

Solicitor Garner explained that the policy could conceivably apply to owner-occupied applicants for which permits may have been applied and wherein taxes are unpaid.

Motion carried: 5 ayes, 2 nays. Councilors Arms and Miller cast negative votes.

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b. North End Fire Company – Heating Unit – Motion by Councilor Miller, seconded by Councilor Arms to provide full support regarding the request of the North End Fire Company for the replacement of the gas fired heating unit, in an amount not to exceed \$40,000.

President Weand commented that the financial stability of the Borough is a priority before anyone else is provided assistance.

Councilor Miller commented that the financial stability of the Fire Companies is part of the financial stability of the Borough. She also commended Mr. Pierce for attempting to find a donation or discounted equipment and Mr. Flanders for providing a proposal for North End Fire Company. Councilor Miller added that it is paramount to stabilize the Fire Company and then move forward.

Councilor Kulp suggested that North End reach out for donations through social media avenues.

Councilors Kirkland and Paez commented that they could not support a motion with the amount not to exceed \$40,000.

Councilor Procsal noted that he would not support a position that would jeopardize the public safety.

Councilor Arms advised that he would not want to wait for another company if his house catches on fire. He also recommended the services of SCORE, an organization of retired business executives who offer assistance with new or struggling businesses.

President Weand suggested a small cash advance or gift and the balance to be considered an advance on the Company's quarterly advancement. He also referred to the Manager's memorandum outlining recommendations for North End's financial stability and recommended revisiting the issue in six months.

Councilor Miller added it would be a mistake to keep adding to their debt. She also warned of inexperienced volunteer contractors and the requirements of being licensed and certified within the Borough.

President Weand requested a roll-call vote.

Arms	yes	Paez	yes
Kirkland	no	Procsal	yes
Kulp	no	Weand	no
Miller	yes		

Motion carried: 4 ayes, 3 nays.

President Weand and Vice President Miller confirmed that the motion carried all the conditions in the Manager's memorandum.

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c. Carousel Lease - Motion by Councilor Kirkland, seconded by Councilor Miller to authorize execution of the Third Amendment to the Lease Agreement between the Borough of Pottstown and the Carousel at Pottstown. Motion carried: 7 ayes.

d. Tax Collection Deputization - Motion by Councilor Kirkland, seconded by Councilor Paez to adopt a Resolution accepting Deputization by the appointed Tax Collector for the Purposes of Collecting Borough and County Real Estate Taxes

RESOLUTION NO. 2016-3

RESOLUTION APPROVING THE SALARY OF TAX COLLECTOR AND ACCEPTING DEPUTIZATION OF THE BOROUGH OF POTTSTOWN

WHEREAS, the Borough of Pottstown Tax Collector, being appointed for the term beginning January I , 2016, has chosen to deputize the Borough for the collection of all Borough and Montgomery County taxes; and

WH EREAS, the Tax Collector desires to deputize for the period beginning January 1, 2016 and ending December 31, 2017; and

WHEREAS agrees to the salary to be paid to the Tax Collector for the collection of Borough taxes during the said period; and

W H EREAS, it is in the best interest of the Borough of Pottstown to approve the deputization and salary.

NOW, THEREFORE, BE IT Resolved by the Pottstown Borough Council as follows:

1. The Resolution is hereby approved and the proper officers are authorized to execute same on behalf of the Borough.
2. The proper officers of the Borough are authorized to execute all documents necessary to secure the approval of Montgomery County to the action of the Tax Collector in deputizing the Borough for the collection of County taxes.

ENACTED AND RESOLVED THIS 8th day of February 2016.

Motion carried: 7 ayes.

e. Floodplain Ordinance – Motion by Councilor Arms, seconded by Councilor Kirkland to adopt an Ordinance repealing in its entirety existing Chapter 8, Floodplain Regulations, and enacting a new Chapter 8, Floodplain Regulations, to establish new Floodplain Management Regulations

ORDINANCE NO. 2146

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN REPEALING IN ITS ENTIRETY EXISTING CHAPTER 8, FLOODPLAIN REGULATIONS, AND ITS PLACE ENACTING A NEW CHAPTER 8, FLOODPLAIN REGULATIONS, CONSISTING OF PART 1 THROUGH PART 9, TO ESTABLISH NEW FLOODPLAIN MANAGEMENT REGULATIONS.

Motion carried: 7 ayes.

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f. Conditional Use Criteria - Motion by Councilor Miller, seconded by Councilor Kirkland to adopt an Ordinance amending Procedure for Condition Use applications of the Pottstown Borough Zoning Ordinance to establish general criteria for proposed conditional uses.

ORDINANCE NO. 2147

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SECTION A-400, PROCEDURE FOR CONDITIONAL USE APPLICATIONS, OF THE POTTSTOWN BOROUGH ZONING ORDINANCE, A/K/A CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO ESTABLISH GENERAL CRITERIA FOR ALL PROPOSED CONDITIONAL USES

Motion carried: 7 ayes.

g. Clothing Donation Bins - Motion by Councilor Miller, seconded by Councilor Kirkland to authorize the Solicitor to advertise an Ordinance, requiring permits for the placement of Clothing Donation Bins within the Borough, in a final form acceptable to the Solicitor and the Director of Licensing & Inspections.

Councilor Arms questioned if this would include all donation bins.

Solicitor Garner confirmed that the ordinance would address all donation bins.

Councilors Miller and Kirkland agreed to the amended motion to include all donation bins.

Motion carried: 7 ayes.

h. Street Sweeping Bid Award – Motion by Councilor Kirkland, seconded by Councilor Procsal to award the 2016 Street Sweeping Bid to R & S Sweeping Co. Inc., Royersford, PA in the amount of \$24,062.50 subject to review and approval of the Solicitor and Public Works Director.

Councilor Miller questioned that types of street sweepers and the efficiency of each.

Manager Flanders commented that a different sweeper works on a vacuum principle, which would clean the streets but would not pick up the grit and would not work as effectively.

Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

i. Stop the Drugs Crusade Event - Motion to grant the request of the Harris Family Ministries to waive the fees associated with its Stop the Drugs Crusade, scheduled for July 23, 2016 in Riverfront Park, in an amount not to exceed \$75.

Councilor Miller advised that an anonymous donor has provided the fee amount to the Harris Family Ministries, understanding the importance of the park fees and the Harris Family Ministries mission.

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There was no action required by Council.

j. Nostalgia Nights – Motion by Councilor Procsal, seconded by Councilor Kulp to approve the dates for the Pottstown Classics Car Club for the 2016 Nostalgia Nights as presented in the January 14, 2016 memorandum, resulting in the closing of High Street, from York Street to Franklin Street and Hanover Street, from King Street to Security Plaza from 4:30 p.m. to 9:00 p.m., subject to approval of the Police and Fire Departments and execution of a Hold Harmless Agreement. Motion carried: 7 ayes.

k. Planning Commission – Motion by Councilor Miller, seconded by Councilor Paez to appoint Dennis Arms to the Pottstown Planning Commission for a four (4) year term to expire February 1, 2020. Motion carried: 7 ayes.

l. Blighted Property - Motion by Councilor Miller, seconded by Councilor Kirkland to appoint Dennis Arms to the Blighted Property Review Committee for a one (1) year term to expire December 31, 2016. Motion carried: 7 ayes.

m. Zoning – 263 King Street – Motion by Councilor Procsal, seconded by Councilor Kirkland to authorize the Solicitor to send a letter to the Zoning Hearing Board in support of the zoning relief requested by Rob Matthews for property located at 263 King Street.

Councilor Miller commented that this is a rental of a commercial property and questioned if Cross Fit is tax exempt. She added that the applicant is \$3,600 in arrears of its PDIDA assessment.

Solicitor Garner noted that the business is not tax exempt.

Councilor Procsal commented that this is a national business and promotes exercise and healthy life styles.

Arms	no	Paez	no
Kirkland	yes	Procsal	yes
Kulp	yes	Weand	yes
Miller	no		

Motion carried: 4 ayes, 3 nays.

n. HARB - Motion by Councilor Kirkland, seconded by Councilor Kulp to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- i. 61 North Franklin Street
- ii. 57 North Franklin Street
- iii. 1006 East High Street
- iv. 163 North Charlotte Street

Motion carried: 7 ayes.

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o. HARB - Motion by Councilor Kirkland, seconded by Councilor Procsal to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

- i. 359 King Street
- ii. 57 North Franklin Street
- iii. 1132 East High Street
- iv. 28 King Street
- v. 150 North Hanover Street

Motion carried: 7 ayes.

p. Ad Hoc Community Fire Committee – President Weand announced his appointment of Councilors Miller and Arms to the Ad Hoc Community Fire Committee.

Councilor Miller commented that she would provide additional members' names as confirmed.

REPORT OF BILLS

Motion by Councilor Arms, seconded by Councilor Kulp to pay the outstanding bills in the amount of \$3,317,893.74. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Miller thanked all for the majority support for the Fire Company. She expressed a concern that there seems to be less support for parts of the community that do so much than those that come and make excuses for not paying taxes and not paying their fair share.

Councilor Kulp commented that the problem with North End's furnaces did not just happen. She added that they should learn to help themselves also.

Councilor Procsal agreed with Councilor Kulp but noted that he felt it was an immediate need.

Mayor Thomas commented that there is positive energy between the North End and Phillies Fire Companies, adding that since the Borough does not own the North End building and if it were ever sold, there should be some provision for reimbursement.

ADD ON

Fire Services Agreement – Motion by Councilor Miller, seconded by Councilor Arms to make a minor modification to the existing Fire Services Agreements to allow for reporting to occur on or before April 1st on a form designated by the Borough.

President Weand opened a public hearing at 8:22 p.m. and requested public comments as this item was not listed on the agenda. There was no public comment and the hearing closed at 8:23 p.m.

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Motion carried: 7 ayes.

Manager Flanders advised that a Joint meeting between Council and the School District is scheduled for February 23, 7:00 p.m. at the Pottstown High School.

ADJOURNMENT

The meeting adjourned 8:25 p.m. on motion by Councilor Arms.

Submitted by,

Mark D. Flanders
Borough Manager