

March 14, 2016

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, March 14, 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

President Weand requested a moment of silence.

### 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. Council Minutes – February 8, 2016 – Motion by Councilor Arms, seconded by Councilor Procsal to approve the February 8, 2016 Council meeting minutes as presented. Motion carried: 7 ayes.

b. Joint School Board/Council – February 23, 2016 – Motion by Councilor Miller, seconded by Councilor Arms to approve the February 23, 2016 Joint School Board and Borough Council meeting minutes as presented. Motion carried: 7 ayes.

### ADD-ON

President Weand announced that a Resolution for the Supplemental Reimbursement for the Final Design Phase of the Closed Loop System will be added to the agenda.

### COMMENTS FROM CITIZENS PRESENT

None.

### SUBCOMMITTEE REPORT

a. Finance & Administration – President Weand reported that the Committee is looking into an upgrade to the insurance plans and discussed the replacement of North End Fire Company's boiler.

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## EMERGENCY SERVICES REPORTS

Miles Feather was present to provide the report for the Phillies Fire Company, noting that training continues including hazmat, fire dynamics, ladders and demolition of a building. He also provided information on the upcoming Beef and Beer and also an Elvis event fundraiser, along with the House Buyers event scheduled for April 2<sup>nd</sup>, 7:00 – 9:00 p.m. at the Phillies Fire Company.

Councilor Paez requested additional reporting on the Fire Companies' budget.

President Weand responded that the Borough provides a quarterly allotment and the companies provide a detailed spending report to the Borough. He added that Staff has recently implemented a standardized reporting form and further details can be provided through the Finance Director.

## COMMITTEE REPORTS

- a. Library – There was no report.
- b. Human Relations – Councilor Paez referred to the strategic plan previously submitted and noted that the Commission has reorganized. She added that there are five pending cases and also commented on the Kwanza event.
- c. PDIDA – There was no report.
- d. COG – Councilor Kulp noted that there was a meeting last Tuesday and no minutes were yet provided.
- e. EAC – Jim Derr noted that the Committee is seeking new members.
- f. Regional Planning – Councilor Procsal advised that Evan Brandt provided a presentation on a regional events calendar survey. He also noted that Justin Keller, Circuit Rider Recreational Coordinator, has obtained approximately \$300,000 in grants at this time. Councilor Procsal added that the Gigabit initiative was also discussed.
- g. Blighted Property Review – Councilor Procsal advised that a presentation on Land Banks is scheduled for the March 16<sup>th</sup> meeting.

## UNFINISHED BUSINESS

None.

## NEW BUSINESS

- a. Presentation – Johnson Controls & DVRPC Regional LED Streetlight Procurement

Assistant Manager Batdorf commented that the project to upgrade and retrofit the street lighting system with LED equipment has been ongoing for several months. She added that a grant is

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pending with DCED, due to the State budget not yet being adopted. Ms. Batdorf advised that a project with DVRPC for a regional grant throughout several municipalities has become available. She added that Johnson Controls is the vendor with DVRPC and introduced Michael Bayesa to explain the initiative.

Mr. Bayesa advised that with assistance from Borough Staff, he was able to establish the costs through a formula using utility billing and other data to provide an overview of the Regional Streetlight Procurement Program (RSLPP). (He provided an outline and costs for upgrading the 1,831 streetlights throughout the Borough. He also explained the control system, which would allow the brightness, timing and strobe effects to be controlled. Mr. Bayesa estimated that a control system enhancement would cost approximately \$783,623 to \$1.2 million, which included construction. He also advised that the existing system would cost taxpayers over \$3 million over the next 20 years. Mr. Bayesa provided a handout with the energy saving summary, the project cost summary and photometrics. He also commented that the Borough owned parking lots could be under consideration as well.

Following a brief discussion among Council, President Weand noted that the project will be reviewed and possibly scheduled for the April meetings.

b. PART Quarterly Performance Report FY15-16 – Assistant Manager Batdorf advised that the Pottstown Area Rapid Transit system is doing very well at the 70% mark of the fiscal year. She added that an increase of 10% in ridership by 19,000 rides, resulting in an increase in revenue, in addition to an increase in multi-ride passes along with an increase in child ridership. Ms. Batdorf advised that the statistics are available on the website. She also reported that the bus shelters are on order with one new shelter at Memorial Park. The existing downtown shelters will be upgraded with new solar panels and cameras and the blue shelters will be replaced.

c. Airport Engineering Consultant - Motion by Councilor Miller, seconded by Councilor Kulp to authorize Staff and the Solicitor to negotiate a new contract agreement with Delta Airport Consultants, Harrisburg, PA, for the Engineering Consultant Services for the Pottstown Municipal Airport. Motion carried: 7 ayes.

d. AFSCME Contract - Motion by Councilor Kirkland, seconded by Councilor Miller to approve and authorize execution of a Contract between the Borough of Pottstown and AFSCME, to expire December 31, 2016.

Councilor Arms commented that these are the boots on the ground and the people in the trenches.

Motion carried: 7 ayes.

e. Eastwood Car Show - Motion by Councilor Procsal, seconded by Councilor Kirkland to grant request of the Eastwood Company to conduct its annual Eastwood's Summer Classic Car Show at the Pottstown Municipal Airport, 1149 Glasgow Street on July 30, 2016 (rain date July 31, 2016), subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

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f. Donation Bins - Motion by Councilor Miller, seconded by Councilor Arms to adopt an Ordinance requiring permits for the placement and use of donation bins on properties within the Borough.

ORDINANCE NO. 2148

AN OIIDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, REQUIRING PERMITS FOR THE PLACEMENT AND USE OF DONATION BINS ON PROPERTIES WITHIN THE BOROUGH OF POTTSTOWN, REGULATING THE PLACEMENT OF SAID WITHIN THE BOROUGH OF POTTSTOWN, AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE OIIDINANCE.

Motion carried: 7 ayes.

g. Fees for Donation Bins - Motion by Councilor Miller, seconded by Councilor Paez to adopt a Resolution incorporating and approving fees associated with denotation bins in the Borough.

RESOLUTION NO. 2016-4

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN ESTABLISHING FEES ASSOCIATED WITH THE ORDINANCE REGULATING THE USE AND PLACEMENT OF DONATION BINS.

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

WHEREAS, through Ordinance No. 2148 the Borough has adopted an ordinance which regulates the location and placement of donation bins; and

WHEREAS, pursuant to Section 3 of Ordinance No. 2148 the Borough has created both an annual permit fee and a refundable deposit fee which are associated with the implementation and administration of the ordinance.

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. There is hereby established the following fees pursuant to Section 3 of Ordinance No. 2148 providing for the regulation of location and placement of donation bins.

Annual Permit Fee - \$50.00

Refundable Deposit Fee - \$500.00

SECTION 2. All future modifications of these fees shall be made by Resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown.

SECTION 3. Any fees set forth in the Comprehensive Fee Resolution inconsistent with the fees contained in this Resolution are hereby repealed.

SECTION 4. This Resolution and the fees therein shall become effective immediately upon enactment.

ENACTED and RESOLVED this 14th day of March, 2016.

Motion carried: 7 ayes.

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h. Destruction of Records - Motion by Councilor Miller, seconded by Councilor Paez to adopt a Resolution authorizing the destruction of certain municipal records pursuant to the Municipal Records Act and the Municipal Records Manual of December 16, 2008

RESOLUTION NO. 2016-5

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS BY THE BOROUGH ADMINISTRATION, BOROUGH FIRE DEPARTMENT, PARKS AND REC DEPARTMENT, AND THE FINANCE/TAX OFFICE PURSUANT TO THE MUNICIPAL RECORDS MANUAL OF DECEMBER 16, 2008.

WHEREAS, by virtue of Resolution No. 2009-24, adopted July 13, 2009, incorporation and modifying Resolution No. 2004-36, the Borough of Pottstown declared its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved December 16, 2008; and

WHEREAS, in accordance with the Act 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body; and

WHEREAS, the Borough of Pottstown, through its Finance/Tax Office, Fire Department, Parks and Rec Department, and Borough Administration have accumulated certain records that no longer need to be retained pursuant to Borough guidelines and the requirements of the Municipal Records Manual; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown is desirous of approving the request of the various Departments to permit the destruction of those records in accordance with the procedures contained in this Resolution, as well as, Resolution No. 2009-24; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown does further authorize the Borough Manager or those designated by the Borough Manager, to destroy the original copies of certain public records in accordance with the aforesaid requirements, formally declaring that said records that are to be disposed of, have no administrative, legal, or historical significances beyond the terms of retention as set forth in the Municipal Records Manual.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, and it is hereby ENACTED and RESOLVED by the authority of same as follows:

SECTION 1. The Burgess and Town Council of the Borough of Pottstown hereby approves the following requests to allow for the destruction of municipal records as fully described in Exhibit "A" which is attached hereto and incorporated herein.

SECTION 2. The Borough Departments above described may utilize a third party contractor for the document shredding and destruction to remove said records under a controlled environment as and when approved by the Borough Manager. At the conclusion of the process, the document shredding and destruction company shall provide to the Borough a Certificate of Destruction.

SECTION 3. All future requests to destroy municipal records pursuant to State Law and Borough policy shall be approved by Resolution enacted by the Borough Council. ENACTED and RESOLVED and this 14<sup>th</sup> day of March, A.D., 2016.

Motion carried: 7 ayes.

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i. Closed Loop Signal Project - Motion by Councilor Kirkland, seconded by Councilor Miller to grant request of Traffic Planning and Design for a nine (9) month time extension for the Pottstown Area Closed Loop Signal System project, Part II, from March 31, 2016 to December 31, 2016. Motion carried: 7 ayes.

j. Pottstown Regional Library – Motion by Councilor Kirkland, seconded by Councilor Arms to award the Alterations to the Pottstown Regional Public Library project to SMJ Contracting, Inc., Douglassville, PA in an amount not to exceed \$499,000, subject to approval of the Solicitor.

Solicitor Garner explained that although the Library applied and received a grant for the project, the Borough is required to administer the grant and as per the State, the Borough is considered the owner of the property. He also confirmed that there is an agreement with the Library.

Motion carried: 7 ayes.

k. Lawn Maintenance - Motion by Councilor Kirkland, seconded by Councilor Paez to award the Lawn Maintenance Bid for the Pottstown Municipal Airport and for the Boom Mower to Green Advantage Landscaping, Douglassville, PA, as per the bid tabulation of March 9, 2016 and subject to review of the Public Works Director and Borough Solicitor.

Councilor Arms noted that the overall cost is a 4% decrease in the 2015 cost.

Motion carried: 7 ayes.

l. Lawn Maintenance - Motion by Councilor Kirkland, seconded by Councilor Miller to award the Lawn Maintenance bid for the Wastewater Treatment Plant & Right of Ways and for the Water Division & Lots to Morgan Lawn Maintenance, Boyertown, PA, as per the bid tabulation of March 9, 2016 and subject to review of the Public Works Director and the Borough Solicitor. Motion carried: 7 ayes.

m. Pow Wow Event - Motion by Councilor Miller, seconded by Councilor Procsal to grant the request of the Lenape Native Americans for the use of Memorial Park to conduct its annual Pow Wow event, May 7 & 8, 2016, subject to approval of the Parks & Recreation Director and the Police and Fire Departments. Motion carried: 7 ayes.

n. 2016 Sojourn - Motion by Councilor Miller, seconded by Councilor Kirkland to grant the request of the Schuylkill River Heritage for the use the Riverfront Park for the 2016 Schuylkill River Sojourn and camping event scheduled for June 7, 2016 subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

o. Pottstown Rumble – Motion by Councilor Miller, seconded by Councilor Procsal to grant the request of the Pottstown Rumble to include a beer garden and tasting event for the June 24 & 25, 2016 Volleyball Tournament to be held in Memorial Park, subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

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p. Carousel of Flavor - Motion by Councilor Miller, seconded by Councilor Kulp to grant request of the Carousel at Pottstown to conduct its annual Carousel of Flavor event, along with a beer/wine garden, on September 18, 2016 resulting in the closing of High Street between York and Hanover Streets from 9:00 a.m. to 6:00 p.m., and subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

q. Supplemental Agreement – Motion by Councilor Miller, seconded by Councilor Kirkland to adopt a Resolution approving and authorizing the Supplemental Reimbursement Agreement for the final design phase costs for the Pottstown Area Closed Loop Signal System, subject to review and approval of the Borough Manager, Director of Public Works and the Borough solicitor.

#### RESOLUTION NO. 2016-6

#### A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING THE SUPPLEMENTAL REIMBURSEMENT AGREEMENT FOR FINAL DESIGN PHASE COSTS FOR THE POTTSTOWN AREA CLOSED LOOP SIGNAL SYSTEM

WHEREAS, the COMMONWEALTH and the MUNICIPALITY under the date of July 18, 2005 entered into an Agreement designated in the COMMONWEALTH's files as No. 066415, amended Agreement designated in the COMMONWEALTH's files as No. 066415-A dated January 15, 2008, amended Agreement designated in the COMMONWEALTH's files as No. 066415-B dated April 28, 2011, amended Agreement designated in the COMMONWEALTH's files as No. 066415-C dated November 1, 2011, and amended Agreement designated in the COMMONWEALTH's files as No. 066415-D dated July, 17, 2012 and amended Agreement designated in COMMONWEALTH'S FILES AS No. 066415-E dated November 10, 2014 wherein the COMMONWEALTH and the MUNICIPALITY agreed to participate in a Federal-Aid Highway Program to construct Signal equipment upgrades and installation of a closed loop system; and

WHEREAS, the design of said construction of the signal upgrades and closed loop system has shown that the costs will be in excess of the cost shown in Agreement No. 066415-E; and

WHEREAS; both COMMONWEALTH and MUNICIPALITY are both desirous of supplementing Agreement No. 066415-E for all the additional costs;

NOW, THEREFORE, the parties hereto, for and in consideration of the foregoing promises and mutual promises hereinafter set forth, with the intention of being legally bound hereby, to the following:

1. The MUNICIPALITY will undertake the design and other incidentals as outlined in this supplemental agreement and agreement 066415-E, for the Project in accordance with policies, procedures, criteria, and specifications prepared and approved by the DEPARTMENT.
2. All references to Exhibit "AAAAAA" in the supplemental agreement 066415-E are changed to Exhibit "AAAAAAA".
3. The estimated maximum reimbursement by the COMMONWEALTH from funds allocated for this purpose by the FHWA to the MUNICIPALITY in Agreement No. 066415-E is revised from \$1,516,000 to the amount of \$1,870,000.
4. Exhibit "AAAAAA" of Agreement No. 066415-E is hereby revised in accordance with Exhibit "AAAAAAA" attached hereto and made a part hereof.

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5. All other terms and conditions of the original Agreement No. 066415, 066415-A, 066415-B, 066415-C, 066415-D and 066415-E and which have not been modified by this Supplemental Agreement, shall remain in full force and effect.

ENACTED AND RESOLVED this 14thth day of March, A. D., 2016.

Manager Flanders explained that this resolution is in conjunction with the extension previously granted and the payment goes to Traffic Planning & Design through PennDOT with no cost to the Borough.

Motion carried: 7 ayes.

### REPORT OF BILLS

Motion by Councilor Kulp, seconded by Councilor Miller to pay the outstanding bills in the amount of \$1,606,861.34. Motion carried: 7 ayes.

### ANNOUNCEMENTS

Councilor Paez announced that there will be an immigration informative program regarding laws and procedures scheduled for March 24<sup>th</sup>.

Councilor Arms noted that he was disappointed to hear of the delay in the Carousel opening and disappointed in the yard waste collection. He announced the opening of the Pottstown FARM, scheduled for May 5<sup>th</sup> and is still seeking volunteers.

Councilor Miller questioned why the Carousel has been delayed.

Doug Yerger explained that he understands there is a delay in contributions and funding from the County. He added that the bathroom hook-ups will fall into place.

Keith Place added that Licensing and Inspections is awaiting plans to be submitted for construction.

Councilor Miller reminded all of the upcoming March 30<sup>th</sup> 6:00 p.m. Community Meeting, with the topic to be Rental Registration and Compliance and therefore the Codes/Infrastructure meeting is cancelled for March 17<sup>th</sup>. She added that the property assessments for the 300 and 400 blocks of Beech, Chestnut and Walnut Streets are set for Saturday, March 20<sup>th</sup> for the *Rock the Block* event, scheduled for April 15<sup>th</sup> with Habitat for Humanity.

President Weand introduced Springford School District Vice President of the Board of Directors, Joseph P. Ciresi.

Mr. Ciresi reported that he traveled to Harrisburg on this date, to urge the State to pass a fair-funding formula and to represent the 500 school districts in the Commonwealth. He advised that the districts are suffering due to the lack of fair-funding and commented on the absence and uncertainty of the State's budget. Mr. Ciresi urged all to participate and attend the next meeting in Harrisburg in six weeks and will keep all informed.

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ADJOURNMENT

The meeting adjourned 8:20 p.m. on motion by Councilor Arms.

Submitted by,

Mark D. Flanders  
Borough Manager