

June 13, 2016

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, June 13, 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, Mayor Sharon Valentine-Thomas, Assistant Borough Manager Erica Batdorf, Solicitor Charles Garner and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Miller to approve the May 9, 2016 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

a. Tom Hylton, 222 Chestnut Street – spoke on the wage increases for Borough employees for 2012 to 2015, the lowered property assessments and the lack of funds to support these wage increases. He noted that employee increases totaled approximately 29% over the four year period with essentially the same services being provided. As a 43-year tax-payer in the Borough, he suggested that the wage increases for Borough employees be done for a long time to come. Regarding the School District, he noted that if the intention is to give teachers pay raises, there is a need to more efficient, since this community cannot afford to spend any more tax dollars than it does now.

b. Vicki Mutter, 1435 Sunset Drive – spoke as an underpaid employees of the Pottstown Middle School. She expressed a concern with the Crossing Guards and questioned the savings to the Borough and School District and if the Crossing Guards would be the same employees as presently.

c. Ron Williams, 245 Walnut Street – expressed his appreciation for the Borough's and Council's cooperation and support during the PowWow event.

d. Deb Penrod, P.O. Box 516 – provided information for the June 16th Pottstown Historical Society Walking Tour.

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e. Audra Ross, 2347 Noel Circle – spoke on behalf of PDIDA to promote the FARM event and also the Historic Walking Tour. She added that the committee will be organizing the Halloween fundraising and parade.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that the reserve account was discussed and on track and advised that the collection rate is slightly down from last year. He added that the assessment is at 56.2%, which equates to a house at market value of \$100,000 to be assessed at \$56,200. President Weand also advised that Staff is working with the School Board to address under assessed properties in the Borough.

b. Safety – Chief Drumheller advised that the Borough of Pottstown was awarded the Crimes Commission Award for its work in ending the gang and drug violence, along with the District Attorney’s Office and the County Detectives.

The Chief also announced the assistance of the Omega Group for traffic control during events. He also reviewed the process of using Naloxone, brand name of Narcan, designed to reduce the number of drug overdoses and noted that it has already been used successfully. Chief Drumheller also explained the use of the K-9 Naloxone and the risk to the K-9’s in drug related events.

Chief Drumheller also announced the preparation of the Democratic National Convention coming to Philadelphia and the impending assistance to be detailed.

COMMITTEE REPORTS

a. Library – Art Green reported on the renovations of the Library and its progress and noted that the Library remains open. He added that computer and adult classes have been relocated to the Mercury building. Mr. Green also reviewed the duck race sales, an ice cream social and the summer reading programs.

b. Human Relations Commission – Councilor Paez thanked Vice President Miller for her efforts in drafting an outline for the Commission.

Diana Rivera O’Bryant also expressed appreciation to Vice President Miller. She also requested Council’s consideration in developing a computer program, telephones and a website. Ms. O’Bryant also requested stringing alliances and enhanced networking.

Councilor Paez added that appointments are needed on the Commission.

Vice President Miller outlined the proposed changes for the Human Relations Commission ordinance and requested that this matter be listed for action on the agenda.

Mayor Thomas suggested including the rights of students and parents of the Pottstown School District relating to Body Mass Index data and will delay the topic of free lunch data.

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- c. PDIDA – There was no report in Ms. Dugan’s absence.
- d. COG – Councilor Kulp advised that there were no minutes provided.
- e. EAC – There was no report in Mr. Derr’s absence.
- f. Regional Planning – Councilor Procsal noted that the Gigabit presentation was cancelled. He added that Justin Keller continues to seek grant funding. Councilor Procsal also noted that there was a discussion among the members to promote joint event funding from all municipalities, possibly a per capita dollar figure.

President Weand added that he and former Council President Jack Wolf were original members of the Regional Planning Committee and noted that it was initiated at that time to have Pottstown as the Hub and to have other municipalities invest in that plan.

- g. Blighted Property Review committee – Councilor Procsal noted that the minutes were distributed and a bus tour is schedule for June 15th.

- h. Emergency Services Reports – Michele Labant, North End Fire Company, was present and expressed the Company’s appreciation for Council’s assistance for the cost of the boiler system. She also provided an update on the Company’s finances and joint events. She noted that the State Debt Reduction grant for 2016 was received in the amount of \$12,650.62

Charlie Pierce, Phillies Fire Company, reported on the past month’s activities and assistance with events throughout the community. He noted that the Company continues to recruit new members and continues involvement with pet rescues. Mr. Pierce also reported that the new floor has been installed in the Fire House. He commented on the Borough’s proposed changes to the Fire Ordinance, including having the new Chief being responsible at all times.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Presentation – Borough Audit, Maillie, LLC

Mr. Bill Breslawski outlined the Borough’s Financial Statement for the year ending December 31, 2015 and provided the Annual Financial Report. He noted that the Pension liability is now on the books as has been previously recommended and is the only new accounting liability for this year. Mr. Breslawski also reviewed all the general funds of the Borough, along with the Single Audit for federal funds. He added that the PART program is the Borough’s largest federal program. There were no compliance issue with the federal funds. He also noted that two timing issues were found with the pension plans, one has been resolved and the other in the process of being addressed in the Finance Department.

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Mr. Breslawski also reviewed the SAS14 report, noting the responsibilities of the Auditors. He commended the cooperation of the Borough Manager and Staff. He advised that five years ago there were approximately 12 audit adjustments and this year only one.

Councilor Arms requested that the audit be posted on the Borough's website.

b. Presentation – Independence Day LTD

Marcia Levensgood was present to outline the events scheduled for Saturday, July 2nd. The homecoming queens from the area high schools will be present and the event will be in conjunction with the Pottstown Classics Car Show. The 2016 commemorative hats will also be on sale.

Vice President Miller commented that she, along with Johnny Corson, are in the process of raising funds in an attempt to hold a parade on July 4th. She added that she emailed Ms. Levensgood and Chip Smale to request participant and statistical information to conduct the parade. Councilor Miller noted that after contacting Mr. Smale, he informed her that he did not have participants in place and noted that it would not be possible to have a parade even if the money were raised. Councilor Miller also stated that the network of community organizations, including TriCounty Community Network and The Hill School, is committed to having a parade and if she receives no cooperation from the Independence Day LTD, they will start from scratch to have a parade this year.

President Weand suggested that all participants work together in order to have a parade.

c. PART Quarterly Performance Report

Ms. Batdorf provided the statistics on the PART quarterly report to include the operations, ridership and statistics. She noted that the financial statements, budget and statistics are listed on the website. Ms. Batdorf also reported that the increase in ridership is at 8% for the fixed routed bus system and the bus shelters should be installed by next month. There is also an upcoming advertising initiative on the buses.

d. PART Operating Budget - Motion by Councilor Kirkland, seconded by Councilor Kulp to approve the PART Operating Budget for FY2016-2017, dated June 8, 2016. Motion carried: 7 ayes.

e. Fee Schedule – Fare Increase – Motion by Councilor Kulp, seconded by Councilor Kirkland to adopt a Resolution amending the fee schedule to reflect the implementation of a base fare increase of \$.10 for Pottstown Area Rapid Transit Service to become effective July 1, 2016.

RESOLUTION NO. 2016-15

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND FEES ASSOCIATED WITH THE POTTSTOWN AREA RAPID TRANSIT SERVICE FARE INCREASE, EFFECTIVE JULY 1, 2016

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Councilor Arms questioned if any comments were eventually received on this matter.

Ms. Batdorf commented that no comments were received.

Motion carried: 7 ayes

f. Hanover Square - Motion by Councilor Miller, seconded by Councilor Paez to grant preliminary/final approval for the Hanover Square Commercial Land Development Plan, South Hanover Street & Industrial Highway, subject to the applicant satisfying the following conditions within 90 days:

- i. Compliance with the Montgomery County Planning Commission letter of March 16, 2016
- ii. Compliance with the Remington Vernick letter of April 12, 2016
- iii. Compliance with the BCM Engineers letter of May 24, 2016
- iv. Submission of architectural plans, details and elevations for Buildings A & B
- v. Submission of a Landscaping Plan consistent with Agreement with HOA
- vi. Submission of proposed for sign details (externally lit with planning bed)and with incorporation date of 1815
- vii. Approvals and permits from all outside agencies
- viii. Preparation and execution of Development Agreement
- ix. Payment in full of all Borough review fees

Councilor Kulp suggested the possibility of using an electronic sign at the entrance of the development.

Deb Penrod, Planning Commission Chair, commented that this was discussed at the Planning Commission meeting and it was the consensus of the Commission that an electronic, changing sign would be too distracting at this busy intersection.

Chris Hogan, Attorney for the applicant, was present and agreed to the conditions as stated.

Motion carried: 7 ayes.

g. Hanover Square - Motion by Councilor Kirkland, seconded by Councilor Kulp to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Hanover Square Commercial Land Development Plan:

- i. Section 501 & A.504 – reducing required amount of open space from 20% to 16.7%
- ii. Section A521.5 – requirement of clear site distance at South Street, Road A; Road A & Alley D
- iii. Section 504, 505 & 508 – waiving size or species types of open space, street and parking lot trees

Motion carried: 7 ayes.

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h. PennDOT Policy – Walk & Bike - Motion by Councilor Kirkland, seconded by Councilor Paez to adopt a Resolution approving the PennDOT Policy and Procedure for Consultant Selection associated with the Walk & Bike Pottstown Project

RESOLUTION NO. 2016-16

POLICY AND PROCEDURE FOR CONSULTANT SELECTION

The following procedures have been adopted by the Borough of Pottstown as authorized by action of the Pottstown Borough Council on June 13, 2016. These procedures shall be used for the orderly determination of the need to use consulting engineering firms, qualification and selection of firms, and general administration and monitoring of the engineering agreements. Upon being notified of the need to initiate engineering services on a project the Public Works Director & Engineer shall analyze the Pottstown forces to determine if the services of a consulting firm are necessary. The analysis regarding the need to engage consultants will be documented in the project file.

Ms. Batdorf explained that this is part of the scope of the extension of the bike lanes in the area of High and Roland Streets and the cycle track on North Roland to Jackson Street and to the YMCA.

Motion carried: 7 ayes.

i. Greenways Grant - Motion by Councilor Miller, seconded by Councilor Kirkland to adopt a Resolution authorizing submission to the Greenways, Trails, and Recreation Program (GTRP) grant of \$250,000 from the Commonwealth Financing Authority to be used for Memorial Park Phase 3 - Playground Replacement and Site Improvements.

RESOLUTION NO. 2016-17

GREENWAYS, TRAILS AND RECREATION PROGRAM

Be it RESOLVED that the Borough of Pottstown of Montgomery County hereby request a Greenways, Trails and Recreation Program (GTRP) grant of \$250,000 from the Commonwealth Financing Authority to be used for MEMORIAL PARK PHASE 3 – PLAYGROUND REPLACEMENT AND SITE IMPROVEMENTS.

Be it FURTHER RESOLVED, THAT THE Applicant does hereby designate MARK FLANDERS, BOROUGH MANAGER and DANIEL WEAND, POTTSTOWN BOROUGH COUNCIL PRESIDENT as the official(s) to execute all documents and agreements between the BOROUGH OF POTTSTOWN and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, MARK FLANDERS duly qualified Manager of the BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, POTTSTOWN, PA, hereby certify that the forgoing is a true and correct copy of a RESOLUTION duly adopted by a majority vote of the POTTSTOWN BOROUGH COUNCIL at a regular meeting held JUNE 13, 2016 and said Resolution has been recorded in the Minutes of the BOROUGH OF POTTSTOWN and remains in effect as of this date. IN WITNESS THEREOF, I affix my hand and attach the seal of the BOROUGH OF POTTSTOWN, this 13th day of June 2016.

Motion carried: 7 ayes.

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j. CDBG – Storm Sewer Improvements - Motion by Councilor Miller, seconded by Councilor Kulp to award the bid for the 2016 Community Development Block Grant for Storm Sewer Improvements to Proshot Concrete, Inc., Florence, AL, in the amount of \$215,700, subject to review and approval of the Engineer and Assistant Borough Manager. Motion carried: 7 ayes.

k. Pottstown Crossing Guards - Motion by Councilor Kirkland, seconded by Councilor Paez to accept proposal and enter into an agreement with All City Management Services, Inc., (ACMS) for the Pottstown Crossing Guards Program for the 2016-2017 School Year, subject to review and approval of the Borough Manager and Borough Solicitor .

Councilor Arms questioned the notification process to the Crossing Guards.

Manager Flanders advised that Corporal McClincy had contact with the Crossing Guards prior to being in the newspaper.

Councilor Arms moved to table this motion. Councilor Miller seconded the motion.

Motion to table carried: 7 ayes.

l. Fire Ordinance – Motion by Councilor Miller, seconded by Councilor Kirkland to authorize the Solicitor to prepare a draft ordinance amending the Fire Ordinance.

Vice President Miller explained the proposed recommendations to the ordinance as having a Fire Chief to have control of the Fire Department on and off the fire scene and to expand the search area outside the local fire departments.

Councilor Arms questioned how the Borough could afford a new position.

Solicitor Garner commented that this motion would be to only draft an amendment to the current ordinance.

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

m. Portnoff Agreement - Motion by Councilor Kirkland, seconded by Councilor Paez to approve a one-year extension of the contract between Portnoff Law Associates and the Borough of Pottstown from July 1, 2016 to June 30, 2017 for the collection of delinquent accounts.

Ms. Lee provided the statistics on Portnoff as requested, noting that the collection rate since 2015 was approximately 92% in collections.

Motion carried: 7 ayes.

n. Tompkins Vist Parking - Motion by Councilor Miller, seconded by Councilor Kulp to grant request of the Tompkins Vist Bank, 258 High Street, for four (4) designated parking spaces for Vist customers and another six (6) designated spaces in the Park & Shop Lot, High & South Charlotte Streets, at a cost of \$30 per space, per month, subject to review and approval of the Borough Manager and the Police Department. Motion carried: 7 ayes.

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o. HARB - Motion by Councilor Miller seconded by Councilor Procsal to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- i. 858 High Street
- ii. 910 High Street
- iii. 1132 East High Street
- iv. 964-966 East High Street
- v. 188 King Street

Motion carried: 7 ayes.

p. HARB - Motion by Councilor Miller, seconded by Councilor Paez to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

- i. 118 King Street
- ii. 223 King Street

Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Miller, seconded by Councilor Kulp to pay the outstanding bills in the amount of \$2,382,317.88. Motion carried: 7 ayes.

q. Human Relation Commission – Motion by Councilor Miller, seconded by Councilor Paez to authorize the Solicitor to prepare a draft amendment to the Human Relations Commission.

Vice President Miller outlined the proposed changes to the ordinance to include a location in Borough Hall for meetings, to stay within the budgeted amount of \$6,700, criminal background checks and child abuse clearances for mediators and commissioners and the commissioners (from 5-9) to be appointed by Borough Council.

President Weand opened a public hearing for comments at 8:40 p.m. Hearing none, the hiring closed at 8:42.

Councilor Arms commented that the budgeted amount should be less than \$6,700 as the Borough is already providing space and equipment.

Motion carried: 7 ayes.

ANNOUNCEMENTS

Manager Flanders noted that the search for an Assistant Borough Manager as a result of Ms. Batdorf's resignation, has netted 73 applications as of the closing of applications today. He added that two council members will sit on the interview process.

Mr. Flanders also reminded all of the Joint School Board meeting scheduled for June 21st, 7:00 p.m.

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Councilor Arms reported on the successful 2016 Unity Day and Basketball Tournament. He also noted that it should be clear to the Assistant Borough Manager applicants that there may be a commitment to live in the Borough as he will not vote for anyone not making that commitment.

Councilor Procsal reminded all of the Walking Tour scheduled for June 16th.

Vice President Miller announced the YWCA job readiness program scheduled for June 17th at Connections. She also noted that she along with Twila Fisher will be reaching out to Marcia Levengood and Chip Smale to assist in conducting a parade for July 4th which is not meant to be adversarial.

Vice President Miller addressed a comment to Mr. Hylton regarding his comments, noting that the services of the Borough are not the same as offered in 2012 and provided the Licensing & Inspections Department as an example, adding that the level of service is much greater. Vice President Miller also commented that the Fire Service consolidation had been considered for many years in the Borough and David Woglom was only one of the people involved to facilitate the consolidation. The decision was made by Council prior to hers and Councilor Procsal's time on Council. Vice President Miller took the responsibility of having the plan derailed due to the large financial impact it would have had on the Borough. She added that there is a need for reorganization and it is moving forward. Vice President Miller also noted that she is taking full responsibility for the cost incurred and paid by the Borough to Good Will and Empire of \$19,573 for Attorney John Muir and the \$13,301.75 paid to Mr. Woglom.

Mayor Thomas reported that she attended the PSAB Annual Conference last week and therefore her absence at the Committee of the Whole meeting. She also noted the FARM has been successful and urged residents to participate. Mayor Thomas also expressed concern on awarding bids to out of state contractors and the low bid structure and questioned how to attract local bidders. She noted the example of several years ago wherein two jobs were slated for hire and it was Council's decision to not hire two people but to send money to Utah for a project. Mayor Thomas also requested a courtesy notice to adjacent property owners during events scheduled at local parks.

Mayor Thomas addressed comments to Mr. Hylton that the School District has unfunded mandates with which to deal and noted that a freeze on wages would not cap expenses due to the uncontrollable rise in health care. She added that the payout on pension on the School side for retirees is also an additional expense and difficult to override.

President Weand commented that the opening of American Keg is a great addition to the Borough. He also noted that he attended the opening of the Family Dollar Store.

EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 8:55 p.m. for one item of collective bargaining.

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ADJOURNMENT

The meeting adjourned 9:25 p.m. on motion by Councilor Kirkland.

Submitted by,

Mark D. Flanders
Borough Manager