

April 13, 2009

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, April 13, 2009 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Garner in the Chair.

INVOCATION

The invocation was provided by Pastor June Warren.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Mark Gibson, Maureen Allen, Michael Wenzel, Stephen Toroney, Greg Berry, Jody Rhoads and David Garner. Also present were Mayor Sharon Thomas, Solicitor Charles Garner, Borough Manager Raymond Lopez and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

Motion by Councilor Toroney, seconded by Councilor Rhoads, to approve the March 9, 2009 Council Meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

a. John C. Bonan, Johnson Controls, Plymouth Meeting – provided information to Council regarding his energy conservation business and congratulated the Borough on moving forward with a letter of Understanding with Honeywell, his competitor, and requested Council's consideration for further action on energy saving initiatives.

b. Tracy Fox, 59 North Roland Street – complained about the lack of control with various breeds of dogs throughout the Borough. She stated that the fences should be required to be higher in order for owners to keep control of their pets and to prevent dogs from jumping the fences. Ms. Fox also complained about the delayed responses from the Animal Control Officer.

c. Phil Thees, 63 South Evans Street – reiterated his concern regarding the condition of the former Mrs. Smith's building at Cherry and South Charlotte Streets of which half the roof blew off in a windstorm several weeks ago and expressed his concern regarding the public safety of the building. Mr. Thees also commented that the Borough should discontinue its association with COG (Council of Governments) since the surrounding municipalities are developing shopping centers and the Borough is losing businesses and the tax base. He also reported numerous violations for 57 South Evans Street regarding a faulty heating system and chimney. Mr. Thees also cautioned Council on the possible loss of autonomy in accepting stimulus money.

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d. Newstell Marable, President NAACP, 880 Cross Street – reiterated his request to Council to conduct a hearing regarding the Ricketts Community Center. He also questioned the policy of the Center in not allowing him to enter the Center with his granddaughter. Mr. Marable also requested the reinstatement of a black woman terminated from Borough employment after 10 years of service.

MAYOR'S REPORT

Mayor Thomas noted that under the Safety minutes, the much-needed stop sign at Walnut and North Warren Street has been accomplished. She also referred to the parking minutes and noted that the speed trailer will be placed on North Franklin Street. The Mayor also urged Council to support the CDBG grant application for Infrastructure and Owner Occupied Housing Improvements.

Mayor Thomas also provided the February statistics for the Police Department and announced the May 30th Fishing Derby.

BOROUGH MANAGER'S REPORT

Manager Lopez advised that the three-party meetings regarding the Leachate Agreement continue on a monthly basis. He added that the Maple Street survey is complete and will be addressed at the May meeting. Mr. Lopez also reminded the public of the Clean-Up event scheduled for April 25th throughout the Borough with central locations at the Washington Street Corridor area and another at Borough Hall. He also advised that the budget allocation for the \$250 contribution to the Montgomery County Lands Trust has been processed. Mr. Lopez also reported that Staff is seeking information on a centralized sweeping and cleaning of the Borough through a rental or professional services process. He also provided information regarding the process for appointments to committees and commissions, which would also be posted on the website. Mr. Lopez reminded all that the Memorial Day Parade is scheduled for Monday, May 25th.

COMMITTEE REPORTS

a. Library – Councilor Allen advised that there are vacancies on the Library Board and the fundraiser letter will be mailed in the near future. She also noted that the Library Fun Day is scheduled for Saturday, May 16th.

b. Human Relations – Mayor Thomas advised that this matter is listed on the agenda. She also advised that the March 22nd Latin Night was a successful event.

c. PDIDA – Councilor Berry noted that the minutes of the last meeting are forthcoming. He added that the Scottish-Irish festival is proposed for October and viable businesses coming to the downtown continue to be a topic of discussion. PDIDA is also

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working on an updated comprehensive plan. Mr. Berry added that the opening of the Produce Market on April 5th was a well-attended event.

d. Cable – President Garner advised that there was no report of the last meeting.

e. COG – President Garner noted that COG has no comprehensive or regional plan. He added that Mike Packard, Pottstown Library, made a presentation at the last meeting. President Garner advised that a letter of support for the Parks and Recreation projects was approved at the meeting. The next meeting is May 12th.

f. EAC – Councilor Toroney reported that the Consultant would be meeting with the Trash Committee and EAC at the April 27th meeting.

President Garner added that composting would be a major topic of discussion along with DEP regulations to not permit grass clippings in the waste stream.

g. Regional Planning – Councilor Toroney reported on the proposed County-wide Commercial Industrial Zoning and Land Use Assessment Report associated with the County's Economic Development Plan, which will be beneficial to the Borough. Mr. Toroney added that discussions continue on the Route 100 Corridor study and the R6 extension study.

h. Blighted Property Review – Solicitor Garner referred to the approved minutes of the February meeting. He added that the committee continues to identify properties it determines to be blighted and proceeds with the appropriate action. Mr. Garner added that new member, William Sharon was welcomed at the March meeting.

Councilor Gibson added that notices are being personally delivered by constables rather than certified mail and has proven to be successful.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Proclamation – Clean-Up Day – Mayor Thomas read a proclamation declaring April 25, 2009 as Clean-Up day in the Borough and joining with the Great American Clean Up of Pennsylvania and PennDOT. She also spoke on the importance of clean neighborhoods.

b. GO 21 – Motion by Councilor Wenzel, seconded by Councilor Allen to adopt a Resolution in support of the GO 21 (Growth Options for the 21st Century) initiative promoting freight transportation alternatives and authorize letters to local legislators showing the Borough's support.

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RESOLUTION NO. 2009 - 15

RESOLUTION IN SUPPORT OF INCREASED FREIGHT RAIL HAULING CAPACITY

Whereas, state and federal transportation officials and others project that United States freight volumes will increase by more than 67 percent over twenty years;

Whereas, the nation's highways are already stretched to capacity;

Whereas, the efficient movement of goods is directly related to the strength of a nation's economy and its citizens' quality of life;

Whereas, public policies promoting increased investment in freight rail infrastructure would result in increased freight rail hauling capacity;

Whereas, expansion of freight rail hauling capacity would yield impressive public benefits by relieving worsening congestion, reducing highway costs, providing a critical intermodal link to international trade, and improving air quality and fuel efficiency;

Whereas, relatively modest public investments in freight rail infrastructure would yield an impressive return on investment in the form of savings to motorists, businesses, and taxpayers;

Whereas, bi-partisan legislation was recently introduced in Congress that would create tax incentives to increase investment in freight rail infrastructure;

Whereas, this legislation is the type of proposal that the American Association of State Highway and Transportation Officials says is needed to accommodate increasing freight volumes and realize the public benefits that come from shipping more freight by rail; and

Whereas, Congress is considering proposals that would undo the reasonable regulations of the Staggers Rail Act of 1980 and these proposals would turn back the clock on the successes of partial deregulation, devastating the railroads and freight transportation in this country;

Therefore, Be It Resolved that Borough of Pottstown endorses the Go21 mission of building a stronger economy, reducing highway congestion, improving air quality, using tax dollars more efficiently, and improving quality of life by advocating for increased use of freight rail transportation; and

Be It Further Resolved that the Borough of Pottstown endorses federal investment tax incentives to increase freight rail hauling capacity and opposes any effort to re-regulate freight railroads.

Adopted this 13th of April 2009.

Motion carried: 7 ayes.

c. Borough Treasurer – Motion by Councilor Wenzel, seconded by Councilor Berry to appoint Janice E. Lee, Finance Director, as the Borough Treasurer. Motion carried: 7 ayes.

d. Hill School Faculty Housing – Motion by Councilor Rhoads, seconded by Councilor Wenzel to support the amended request for zoning relief by The Hill School

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(relating to facades of Faculty Housing Units) and to authorize the Solicitor to send a letter of support for the variance and/or interpretation. Motion carried: 7 ayes.

e. Human Relations Commission – Motion by Councilor Berry, seconded by Councilor Gibson to authorize the Solicitor, in conjunction with the Mayor, to prepare an amendment to the Human Relations Commission Ordinance changing the number of members from nine (9) to five (5). Motion carried: 7 ayes.

f. Probationary Period Extension – Motion by Councilor Gibson, seconded by Councilor Allen to ratify the execution of an Agreement authorizing a six (6) month extension of the probationary period for a Pottstown Police Officer. Motion carried: 7 ayes.

g. JAG – Motion by Councilor Berry, seconded by Councilor Wenzel to adopt a Resolution authorizing a Memorandum of Understanding with the Municipality of Norristown for the submission of a grant application for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$121,892, to be utilized for programs to enhance public safety and also to initiate the thirty (30) day open comment period.

RESOLUTION NO. 2009 – 10

RESOLUTION OF POTTSTOWN BOROUGH COUNCIL

MEMORANDUM OF UNDERSTANDING FOR 2009 RECOVERY ACT JUSTICE ASSISTANCE GRANT APPLICATION

WHEREAS, the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has approved the submission of a joint application from the Municipality of Norristown, Conshohocken Borough, Hatboro Borough, Lansdale Borough, Pennsburg Borough, Pottstown Borough, Souderton Borough, Abington Township, Cheltenham Township, Hatfield Township, Horsham Township, Lower Merion Township, Lower Pottsgrove Township, Plymouth Township, Springfield Township, Towamencin Township, Upper Dublin Township, Upper Merion Township, Upper Moreland Township, West Norriton Township, West Pottsgrove Township, Whitmarsh Township and Whitpain Township for the 2009 Recovery Act Justice Assistance Grant Funds contingent on a resolution with the Memorandum of Understanding as Exhibit “A”.

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

1. Borough of Pottstown hereby honors the request of the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance as outlined in the Memorandum of Understanding for the 2009 Recovery Act Justice Assistance Grant Application.

The Memorandum of Understanding is attached as Exhibit “A.”

Resolved, Enacted and approved by the Burgess and Town Council of the Borough of Pottstown, this 13th day of April 2009.

Motion carried: 7 ayes.

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h. Loading/Unloading Zone – Motion by Councilor Gibson, seconded by Councilor Allen to adopt an Ordinance amending Chapter 15, Motor Vehicles and Traffic Regulations to create a loading/unloading zone on a portion of East High Street and for miscellaneous changes.

ORDINANCE NO. 2061

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, TO AMEND VARIOUS SECTIONS OF CHAPTER 15, MOTOR VEHICLES AND TRAFFIC REGULATIONS, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, AS THEY RELATE TO PARKING ENFORCEMENT AND TO CREATE A LOADING/ UNLOADING ZONE ON A PORTION OF EAST HIGH STREET.

Mayor Thomas commended the Council on its prompt action on this matter.

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

i. Street Line Painting – Motion by Councilor Wenzel, seconded by Councilor Gibson to award Street Line Painting/Center Line & Lane Lines Bid to A-1 Traffic Control, Douglassville, PA. Motion carried: 7 ayes.

j. Street Line Painting/Crosswalks – Motion by Councilor Wenzel, seconded by Councilor Allen to award Street Line Painting/Crosswalks, Stop Bars, etc. to JAYEM Striping & Marking Co., Ardmore, PA. Motion carried: 7 ayes.

k. Highway Materials - Motion by Councilor Toroney, seconded by Councilor Wenzel to award bid for Highway Materials as follows and as set forth on attachments and subject to review of the Solicitor:

- a) Bituminous Concrete, Items 1A – 1L to Pottstown Trap Rock Quarries, Pottstown, PA
- b) Crushed Stone Aggregate, Items 2A, 2B, 2C, 2D, 2F & 2G to Pottstown Trap Rock, Douglassville, PA
- c) Crushed Stone Aggregate, Item 2E to Martin Stone Quarry, Bechtelsville, PA
- d) AC-20 Road Oil to Pottstown Trap Rock, Sanatoga, PA
- e) Traffic Signs Complete to Rocal, Inc. Frankfort, Ohio
- f) Breakaway Sign Posts Complete and Breakaway Posts to U. S. Municipal Supply, Huntingdon, PA

Motion carried: 7 ayes.

l. Ductile Pipes & Fittings – Motion by Councilor Toroney, seconded by Councilor Wenzel to award Ductile Pipe & Fittings bid as follows and as set forth on attachments and subject to review by the Solicitor:

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- a) Ductile Iron Pipe to Atlantic States Cast Iron, Phillipsburg, NJ
- b) T – Mech. Joints, Crosses, Bends, Valve Boxes, Corporation stops, Curb Stops, Repair Clamps & Couplings to HD Supply Waterworks, Plymouth Meeting, PA
- c) Tapping Sleeves & Valves, Sleeves – Mech. Joints, Gate Valves, Service Valve boxes, Transition Couplings, Standard Paving Adaptors, Cast Iron Lids & Fire Hydrants to L/B Water Service, Ephrata, PA
- d) Water Meters to RIO Supply Inc., Rockledge PA

Motion carried: 7 ayes.

m. Lawn Maintenance/Garage – Motion by Councilor Gibson, seconded by Councilor Berry to reject the 2009 Lawn Maintenance bids of March 3, 2009 for the Borough Garage, Beech & Grant Street. Motion carried: 7 ayes.

n. Fire Department Study – Motion by Councilor Berry, seconded by Councilor Toroney to proceed with a Fire Study through the Department of Community and Economic Development at no cost to the Borough.

Mayor Thomas questioned if there were any other no cost options.

President Garner advised that this does not preclude the Fire Chief from bringing another proposal forward.

Chief Lengel advised that a grant may be one avenue to pursue.

President Garner requested a roll-call vote.

Allen	no	Toroney	yes
Berry	yes	Wenzel	no
Gibson	no	Garner	yes
Rhoads	no		

Motion denied: 3 ayes, 4 nays.

o. CDBG Projects – Motion by Councilor Wenzel, seconded by Councilor Toroney to adopt a Resolution endorsing the submission to the Montgomery County Department of Housing and Community Development for fiscal year 2009 for the projects of Owner Occupied Housing Rehabilitation and Public Improvements/Infrastructure.

RESOLUTION NO. 2009 – 11

ENDORING PROJECTS AND ACTIVITIES TO BE SUBMITTED FOR
CONSIDERATION BY THE MONTGOMERY COUNTY DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT FOR FISCAL YEAR 2009

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WHEREAS, the Borough of Pottstown is participating in the Montgomery County Community Development Block Grant Program for Fiscal Year 2009; and

WHEREAS, the following development projects have been discussed by Borough Council and approved for submittal to and consideration by the Montgomery County Community Development Program;

Owner Occupied Housing Rehabilitation
Public Improvement Infrastructure

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that the above-identified projects are hereby approved and that the proper officials are hereby authorized to submit applications including said projects.

ADOPTED at Pottstown Borough Hall, 100 East High Street, this 13th day of April, A.D. 2009.

Mr. Bobst confirmed that Genesis will be administering the program. He also noted that the awards would be through a competitive bid process.

President Garner also noted that the requested amounts for the Owner Occupied Housing and the Public Infrastructure projects are \$300,000 and \$200,000 respectively.

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

p. DCNR/Ballfields – Motion by Councilor Wenzel, seconded by Councilor Allen to adopt a Resolution for submission to the Department of Conservation and Natural Resource for the Memorial Park Phase II, Ballfield Conversion and Infrastructure

RESOLUTION NO. 2009 – 12

WHEREAS, The Borough of Pottstown desires to undertake the following project: Memorial Park Phase II Ballfield Conversion and Infrastructure; and

WHEREAS, the applicant desires to receive from the Department of Conservation and Natural Resources (“Department”) a grant for the purpose of carrying out this project; and

WHEREAS, the applicant package includes a document entitled “Terms and Conditions of Grant” and a document entitled “Signature Page for Grant Agreement; and

WHEREAS, the applicant understands that the contents of the document entitled “Terms and Conditions of Grant,” including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the applicant is awarded a grant; and

NOW, THEREFORE, it is resolved that:

1. The “Signature Page for Grant Agreement” may be signed on behalf of the applicant by the official who, at the time of signing, has TITLE of Borough Manager.

2. If the applicant is awarded a grant, the “Signature Page for Grant Agreement”, signed by the above Official, will become the applicant/grantee’s executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.

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3. If the applicant is awarded a grant, the “Signature Page for Grant Agreement”, signed by the above Official, will become the applicant/grantee’s executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.

4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the TITLE specified in paragraph 1 and the grantee will be bound by the amendment.

Motion carried: 7 ayes.

q. Payments to Ambulance Companies – Motion by Councilor Wenzel, seconded by Councilor Toroney to adopt a Resolution in support of State action to ensure prompt and fair Payments to Ambulance Companies.

RESOLUTION NO. 2009 – 13

RESOLUTION IN SUPPORT FOR STATE ACTION TO ENSURE PROMPT AND FAIR PAYMENTS TO AMBULANCE COMPANIES

WHEREAS, Pennsylvania’s private ambulance companies play a key role in local emergency response; and

WHEREAS, most ambulance companies fund the cost of their operations through payments for their services through insurance carriers; and

WHEREAS, it is often the case that insurance payments do not cover the full cost of the service provided; and

WHEREAS, many times insurance carriers pay the patient rather than the ambulance company, resulting in the payment to the ambulance company being delayed or never collected; and

WHEREAS, because insurance companies control how much is paid, who gets paid and when the payment is made, many ambulance companies annually recover only a fraction of the cost of billable services, resulting in operating deficits that threaten the ability of ambulance companies to continue to provide valuable services to the public.

NOW THEREFORE, BE IT RESOLVED that the Pottstown Borough Council supports efforts by members of the Pennsylvania General Assembly and the Governor to ensure that insurance payments for ambulance services are fair, covering the full cost of providing emergency care and prompt, direct payments to the ambulance company rather than the patient; and further directs the Borough Manager to forward a copy of this resolution to Norristown’s state elected officials and the Governor.

ENACTED AND RESOLVED this 13th day of April A.D., 2009.

Motion carried: 7 ayes.

r. Act 537 Plan – Motion by Councilor Gibson, seconded by Councilor Wenzel to adopt a Resolution approving the revisions to the Official Act 537 Plan for Upper Pottsgrove Township.

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RESOLUTION NO. 2009 – 14

RESOLUTION OF THE COUNCIL OF POTTSTOWN BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

WHEREAS, BCM Engineers has prepared an Official Act 537 Plan which provides for Transfer of Capacity between the Borough of Pottstown and Upper Pottsgrove Township; and THE ALTERNATIVE OF CHOICE TO BE IMPLEMENTED IS FOR UPPER POTTSBOROUGH TO PURCHASE 238,000 GALLONS PER DAY OF MAXIMUM THREE MONTH FLOW, FROM THE BOROUGH OF POTTSTOWN TO MEET FUTURE GROWTH NEEDS IN THE TOWNSHIP. THIS TOTAL FLOW OF 238,000 GALLONS PER DAY WAS PREVIOUSLY RESERVED FOR INFILL AND EXPANSION OF EXISTING BUILDINGS WITHIN THE BOROUGH. HOWEVER, THE BOROUGH IS RETAINING AN ALLOCATION OF 9,123,600 GALLONS PER DAY OF MAX THREE MONTH FLOW IN THE TREATMENT PLANT, WHICH IS 3,463,600 GALLONS PER DAY OVER THE BOROUGH'S EXISTING FLOW AND IS ADEQUATE TO MEET THE BOROUGH'S FUTURE NEEDS. TO EFFECT THIS TRANSFER OF CAPACITY, THE SEWAGE TRANSFER AGREEMENT HAS BEEN PREPARED AND APPROVED BY THE AFFECTED PARTIES. THERE IS NO CAPITAL COST REQUIRED TO IMPLEMENT THE PLAN.

WHEREAS, Pottstown Borough finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of Pottstown Borough hereby adopts and submits to the Department of Environmental Protection for its approval as the "Official Plan" of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

Motion carried: 7 ayes.

s. Transfer of Capacity Agreement – Motion by Councilor Wenzel, seconded by Councilor Wenzel, seconded by Councilor Toroney to ratify the Transfer of Capacity Rights Agreement between the Borough of Pottstown, the Pottstown Borough Authority and Upper Pottsgrove Township. Motion carried: 6 ayes, 1 abstention. President Garner abstained from voting due to his involvement with the Authority.

t. Auto Zone – Motion by Councilor Allen, seconded by Councilor Wenzel to authorize the Borough Manager and Borough Solicitor to prepare a Letter of Intent with Auto

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Zone concerning its potential use of a portion of the Lessig Lot, containing the following provisions:

- a) Auto Zone to purchase from Borough a strip of land for its proposed building footprint at fair market value with costs of subdivision to be paid by Auto Zone
- b) Borough to provide to Auto Zone, through long term parking easement, right to utilize 35 designated spaces in Lessig Lot
- c) Easement to terminate automatically if use of Auto Zone property changes to a use not permitted by Borough Zoning Ordinance or use other than non-retail or non-restaurant use
- d) Condition of easement will require Auto Zone to be responsible for maintenance of entire Lessig parking lot, including but not limited to, snow removal, striping, patching, sealing, lighting, utilities, taxes and insurance
- e) Borough to retain revenues and exclusive use of all remaining parking spaces in the Lessig Lot
- f) Auto Zone to upgrade the entire Lessig Lot during construction of the new Auto Zone building with the total cost for parking lot related improvements to be between \$150,000.00 and \$250,000.00
- g) Regardless of parking lot issue, Auto Zone required to obtain all necessary approvals from Borough, including land development, HARB and zoning, as required by any proposed land development plan

Solicitor Garner reviewed the conditions and advised that this motion would authorize the Borough Manager and himself to prepare a letter of intent with Auto Zone with the conditions as stated. He added that the letter of intent with specifications would come before Council at the May meeting.

Motion carried: 7 ayes.

- u. Wal-Mart – Motion by Councilor Gibson, seconded by Councilor Wenzel to grant final approval of the Wal-Mart Expansion Plan, subject to the following conditions:
 - a) Compliance with or satisfactory resolution of the applicable issues set forth in the Bursich Associates letter of July 3, 2008 or any subsequently issued Bursich letter
 - b) Compliance with or satisfactory resolution of any outstanding comments of the Pottstown Borough Fire Marshall
 - c) The formally recorded termination of the Rock Anchor Easement Agreement at the conclusion of all construction activities
 - d) Preparation and execution of Development Agreements, the form of which shall be acceptable to the Borough Solicitor
 - e) A contribution to the Borough in the amount of \$125,000.00 in lieu of required trees, open space and/or road improvements payable prior to issuance of any building permits
 - f) Payment in full of all Borough review fees

Solicitor Garner explained that the major change is the termination of the Rock Anchor Easement due to the scaled back version of the plan.

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Attorney Tina Makoulian was present representing Wal-Mart and agreed to the above stated conditions.

Motion carried: 7 ayes.

v. Wal-Mart – Motion by Councilor Wenzel, seconded by Councilor Gibson to grant the following waivers from the Subdivision and Land Development Ordinance for the Wal-Mart Expansion Plan:

- a) Section 505 - requirement of street trees
- b) Section 508 – requirement of parking lot trees
- c) Section 512 – requirement of style and location of light fixtures
- d) Section A512 – requirement of height of light pole fixtures to be consistent with existing features
- e) Section A514 – intensity of lighting to be consistent with existing lighting
- f) Section A501 – waiving requirement to dedicate open space and accepting fee in lieu of

Attorney Makoulian agreed to the waiver requests as stated.

Motion carried: 7 ayes.

w. Airport Lease Agreement – Motion by Councilor Wenzel, seconded by Councilor Berry to authorize the extension of the Lease Agreement between the Borough of Pottstown and TNT Air, Inc., on a month-to-month basis for a period not to exceed ninety (90) days. Motion carried: 7 ayes.

x. Soap Box Derby – Motion by Councilor Wenzel, seconded by Councilor Toroney to grant request of Pottstown AMBUCS resulting in the closing of Wilson Street for the Annual Soap Box Derby scheduled for June 20, 2009, (rain date – June 21), subject to approval of the Police and Fire Departments. Motion carried: 6 ayes, 1 abstention. President Garner abstained from voting as a member of the AMBUCS.

y. Appointment HARB – Motion by Councilor Rhoads, seconded by Councilor Wenzel to appoint Jeff Leflar to the Historic Architectural Review Board for a five (5) year term to expire April 1, 2014.

President Garner requested a roll-call vote.

Allen	yes	Toroney	no
Berry	no	Wenzel	yes
Gibson	yes	Garner	no
Rhoads	yes		

Motion carried: 4 ayes, 3 nays.

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z. Appointment HARB – Motion by Councilor Toroney to appoint Edgar Herbine to the Historic Architectural Review Board for five a (5) year term to expire April 1, 2014. There was no second to the motion and the motion died.

aa. Appointment HARB – Motion by Councilor Gibson, seconded by Councilor Allen to appoint Levi Wolf to the Historic Architectural Review Board for a five (5) year term to expire April 1, 2014.

President Garner requested a roll-call vote.

Allen	yes	Toroney	yes
Berry	yes	Wenzel	yes
Gibson	yes	Garner	yes
Rhoads	yes		

Motion carried: 7 ayes.

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

- a) 262 King Street
- b) 74 High Street
- c) 441 King Street
- d) 635 High Street
- e) 1304 High Street
- f) 239 Chestnut Street
- g) 257 High Street
- h) 445 High Street
- i) 168 North Hanover Street
- j) 538-540 High Street

Motion carried: 7 ayes.

ac. HARB – Motion by Councilor Wenzel, seconded by councilor Gibson to table the application for a Certificate of Appropriateness for the property located at 221 High Street as recommended by HARB. Motion carried: 7 ayes.

ad. HARB – Motion by Councilor Toroney, seconded by Councilor Wenzel to reject the balance of the application for a Certificate of Appropriateness for the property located at 546 High Street as recommended by HARB. Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Wenzel to pay the outstanding bills in the amount of \$1,484,776.66. Motion carried: 7 ayes.

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ANNOUNCEMENTS

Mayor Thomas announced that she presided over her first international wedding, which took place in Limerick Township by way of Skype and webcam from Australia. Mayor Thomas also announced the April 17th Healthy Life Style event at the Montgomery County Community College. The Mayor also noted she will be providing a proclamation to the YWCA on behalf of the National Day of Elimination of Racism. She also reported that the Pottstown Little League will be celebrating its 30th Anniversary on Saturday, April 18th and the Bark for Life Event will also take place on Saturday, April 18th at Sunnybrook.

Councilor Gibson requested an update on the former Mrs. Smith building damaged in a recent windstorm.

Solicitor Garner advised that the Codes Department is working with the Montgomery County District Attorney's office to bring the building into compliance and citations have been issued.

Ms. Gerber confirmed that a hearing date has been scheduled.

EXECUTIVE SESSION

President Garner adjourned the meeting to executive session at 8:25 p.m. for one item of personnel.

ADJOURNMENT

The meeting adjourned at 9:15 p.m. on motion by Councilor Allen.

Submitted by,

Raymond W. Lopez
Borough Manager