

August 10, 2009

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, August 10, 2009 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Toroney in the Chair.

### INVOCATION

The invocation was provided by Reverend Mest.

### 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, Acting Borough Manager Jason Bobst and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

- a. Committee of the Whole – Motion by Councilor Wenzel, seconded by Councilor Gibson to approve the July 8, 2009 Committee of the Whole minutes as presented. Motion carried: 7 ayes.
- b. Council Meeting – Motion by Councilor Gibson, seconded by Councilor Rhoads to approve the July 13, 2009 regular Council Meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

- a. Jerry Stick, 287 Master Street – expressed concerns regarding the installation of bike racks by Preservation Pottstown throughout the Borough. He added that no permits were requested through the Codes Department or through HARB. Mr. Stick made a verbal request under the Right to Know law for any updated information on the bike racks.
- b. Brandon Hall, President National Honor Society – spoke as a President of the National Honor Society, Pottstown High School and offered the services of the NHS for any volunteer work needed with community activities and throughout the Borough.
- c. Susan Reinert, 1304 Queen Street – complained about many ongoing disturbances from the neighboring property, including the noise of a running generator in the yard, which is providing electricity to the house.

Mr. Bobst commented that the property was investigated and no violations regarding the generator were found. He added that the property will continue to be monitored.

August 10, 2009

d. Frank Raus, 1300 Queen Street – also complained about the situation at the Drey residence regarding the generator.

e. Michael Wilcox, 1424 Sunset Drive – requested Council’s consideration in being considered for appointment to the Environmental Advisory Council.

f. Bruce Madara, 543 North Adams Street – complained about the lack of enforcement in the Codes Department with respect to trash being put out too early.

g. Dan Weand, 1010 North Evans Street – reiterated his request for a forensic audit for the purpose of explaining the state of financial affairs in which the Borough exists. He added that he has a list of auditing firms that could conduct such an audit and would provide to the Manager.

h. Jeff Williams, 1004 North Evans Street – requested Council’s consideration in appointing him to serve on the Environmental Advisory Council.

i. Newstell Marable, 880 Cross Street – reiterated his concerns regarding the operation of the Ricketts Center by the Olivet Boys and Girls Club and noted the lack of services to the community. He also commended Mr. Downie on his efforts at the Riverfront Park and urged Council to approve the naming of the Amphitheater after Mr. Downie.

The Mayor advised that her comments from last month indicated that over 3,000 students were in the Pottstown School District and in need of community centers in reference to the expansion of the Bethel AME Church.

j. Joseph McGrory/Richard Almquist, South Street, Mrs. Smith’s – Attorney McGrory, for Pottstown Redevelopment, spoke regarding the Conductional Use granted for the Mrs. Smith’s Pie property. He noted that one condition was the removal of the skin at the Feroe Building. He added that he has been negotiating with the tenant to comply with the condition. Mr. McGrory offered to Council to use the \$86,500 escrow to avoid litigation or avoid loosing the client along with 55 jobs to eliminate this condition. The offer is valid until the August 19<sup>th</sup> Zoning Hearing.

k. Mr. & Mrs. Nicholas Savastana, 1310 Queen Street – also requested Council’s assistance in resolving the generator problem on Queen Street.

l. Helen Mackewicz, 73 North Evans Street – reiterated her objections to the destruction of municipal records.

m. Johnny Corson, 544 Jefferson Avenue – indicated that Council did an injustice to the Ricketts Center in not addressing the concerns of possible distrust or issues with John Reber. He also thanked Tom Carroll and Mr. Corson’s sons in refurbishing the wall in front of the former Slack Shack building. Mr. Corson also praised Mr. Downie for his efforts with the Riverfront Park and the Amphitheater.

August 10, 2009

## MAYOR'S REPORT

Mayor Thomas provided the July statistics for the Police Department. She also reported on the tour of the Pottstown Industrial Complex, which includes light manufacturing and industrial work and noted the Cigas Building and its innovated green technology. The Mayor commended Mr. Hall for coming before Council and his initiative. She also reported on the successful National Night Out events and the recent Church events benefiting the needy.

The Mayor also requested Council's consideration in allowing her to move forward with the application for \$250,000 in PA Conservation Grant dollars with the assistance of Johnson Controls.

## BOROUGH MANAGER'S REPORT

Acting Borough Manager Bobst reported that he has been appointed by the Governor as the Emergency Management Coordinator for the Borough of Pottstown and is working with County officials for the upcoming November drill. Mr. Bobst added that a kick-off meeting would be scheduled for December regarding the Safe Routes to Schools project. He also noted that a meeting is pending with the School District and the Economic Development Subcommittee to address the legislation regarding the level of funding for schools.

Mr. Bobst also reported that he and other Borough officials met with the School District regarding the possibility of forming a joint effort for the Montgomery County Economic Development Plan. He also met with the College regarding upcoming parking resolutions. Mr. Bobst reminded all of the August 18<sup>th</sup>, 7:30 p.m. Shade Tree Commission Meeting and the Special EIP meeting scheduled for August 19<sup>th</sup> at 6:00 p.m.

President Toroney added that the School District is also interested in forming a partnership for the ULI report, along with the College, the TriCounty Chamber and the County and will provide additional information as received.

## COMMITTEE REPORTS

- a. Library – There was no report.
- b. Human Relations - Mayor Thomas reported that the Commission participated in the National Night Out and has been working under the new structure of five members. She added that the next meeting is August 11<sup>th</sup>.
- c. Cable – President Toroney referred to the minutes distributed.
- d. PDIDA – Councilor Berry advised that discussion took place regarding the revision of the Pottstown Downtown Foundation as the DCED funding diminishes. He added that the Main Street and Elm Street program funding is in jeopardy with the state budget. Mr. Berry also advised that the 2009 County Redevelopment funds were a topic of discussion. He also noted that PDIDA would be participating in the Carousel of Flavor, scheduled for October 4<sup>th</sup>. Mr. Berry reported that the Economic

August 10, 2009

Restructuring Committee is working on projects and initiatives along with the School Board and the Chamber.

- e. COG – Councilor Garner advised that the next meeting is September 8<sup>th</sup>.
- f. EAC – There was no report.
- g. Regional Planning – President Toroney advised that there was no meeting.
- f. Blighted Property Review – Solicitor Garner referred to the approved minutes of the June meeting. He added that the representative of the District Attorney’s office participated in the last meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. New Officer – Mayor Thomas swore in Officer Michael G. Glauner in the presence of his family and fellow officers.
- b. Retiree David J. Cisik – Motion by Councilor Berry, seconded by Councilor Rhoads to adopt a Resolution honoring David J. Cisik for three years of service to the Borough of Pottstown.

RESOLUTION NO. 2009 – 26

RECOGNIZING DAVID J. CISIK FOR 3 YEARS OF DEDICATED SERVICE TO THE  
BOROUGH OF POTTSTOWN

WHEREAS, David J. Cisik has served the Borough of Pottstown as a dedicated employee since 2006; and

WHEREAS, during his career with the Borough he served in different capacities including Accounts Clerk II, and Property Maintenance Worker; and

WHEREAS, Dave’s presence at the Wastewater Treatment Plant and in the Borough Hall will be truly missed by the people that have worked with him.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that David J. Cisik is officially recognized for the outstanding service he has provided the Borough of Pottstown through 3 years of employment; and further that he is extended best wishes for a happy and well-deserved retirement.

Adopted at Pottstown Borough Hall, 100 East High Street, this 10th day of August 2009.

Motion carried: 7 ayes.

- c. Downie Amphitheater – Motion by Councilor Garner, seconded by Councilor Berry to adopt a Resolution naming the Amphitheater portion of the Riverfront Park to the Ronald C. Downie Amphitheater.

August 10, 2009

RESOLUTION NO. 2009 – 27

A RESOLUTION NAMING THE RIVERFRONT PARK AMPHITHEATER TO RONALD C. DOWNIE AMPHITHEATER

WHEREAS, Ronald C. Downie has faithfully and diligently served the Pottstown Borough in numerous capacities continuously since December 1974; and

WHEREAS, Ronald C. Downie, in 2002, through both his thoughtful understanding and unparalleled knowledge of arbor, landscape and the earth began the yeomen's task of clearing trees and moving ground at the Riverfront Park to make way for paths and trails, bountiful open space and natural seating situated to celebrate the arts, crafts, entertainment and Schuylkill River festivals; and

WHEREAS, Ron, with hands that have crafted grand ideas into strong action, a mind sharply steering principle and initiative, through the fruits of his labor guided and constructed a natural green Amphitheater to allow for peaceful river watching and a delightful entertainment venue for the entire Pottstown community.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and Town Council of the Borough of Pottstown that the Amphitheater at the Riverfront Park be named the Ronald C. Downie Amphitheater.

ENACTED AND RESOLVED this 10<sup>th</sup> day of August 2009.

Motion carried: 7 ayes.

Mr. Downie thanked Council for the recognition and commended Council for its efforts in establishing and maintaining the parks, which are gems to the Borough and for the diligence of Mr. Marable and Mr. Corson in having the Amphitheater named for him. Mr. Downie also expressed appreciation to the Schuylkill River Greenway, former Manager Bob Jones, President Toroney and other volunteers that worked to accomplish this Amphitheater.

d. DotGrants – Motion by Councilor Allen, seconded by Councilor Wenzel to adopt a Resolution authorizing Erica L. weekly, Grants Assistant, as an Authorized Official (AO) to submit grant applications under the DotGrants System.

RESOLUTION NO. 2009 – 28

RESOLUTION AUTHORIZING THE SUBMITTAL OF A FINANCIAL ASSISTANCE APPLICATION

Be it resolved, by the authority of the Pottstown Borough Council, that Erica L. Weekley, Pottstown Grants Assistant, of Pottstown Area Rapid Transit, be an Authorized Official (AO) and directed to submit grant applications and assign roles within dotGrants on its behalf.

I, Jason Bobst, Acting Borough Manager of the Borough of Pottstown, do hereby certify that the foregoing is true and correct copy of the Resolution adopted at a regular meeting of the Pottstown Borough Council held the 10th day of August 2009.

Motion carried: 7 ayes.

August 10, 2009

e. Destruction of Municipal Records – Motion by Councilor Garner, seconded by Councilor Gibson to adopt a Resolution authorizing the destruction of certain municipal records pursuant to the Municipal Records Act and Municipal Records Manual of December 18, 2008.

RESOLUTION NO. 2009 – 29

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS OF THE FINANCE DEPARTMENT AND BOROUGH ADMINISTRATION PURSUANT TO THE MUNICIPAL RECORDS ACT AND THE MUNICIPAL RECORDS MANUAL OF DECEMBER 16, 2008.

WHEREAS, by virtue of Resolution No. 2009-23 adopted July 13, 2009, incorporating 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 of 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body; and

WHEREAS, the Pottstown Borough Finance Department and Pottstown 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 Towns Council of the Borough of Pottstown is desirous of approving the request of the Finance Department and Borough Administration to destroy those records in accordance with the procedures contained in the Resolution as well as Resolution No. 2009 –23.

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 follow:

SECTION 1. The Burgess and Town Council of the Borough of Pottstown hereby approves the following request to destroy municipal records as fully described in Exhibit “A” which is attached hereto and incorporated herein.

SECTION 2. The Borough Department above described may utilize a third party contractor for the document shredding and destruction to remove said records under a controlled environment. At the conclusion of the process, the document shredding and destruction 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 of Borough Council.

ENACTED and RESOLVED this 10<sup>th</sup> day of August, A.D. 2009.

Councilor Rhoads reiterated his concern and request to have a stay placed on the destruction of any financial records.

Mr. Bobst confirmed that Councilor Rhoads’ request has been honored and no records will be destroyed without the Finance Committee and Council’s authorization.

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

f. 2009 Financial Audit – Motion by Councilor Gibson, seconded by Councilor

August 10, 2009

Wenzel to accept the proposal of Zelenkofske Axelrod, LLC to conduct the Pottstown Borough's Financial audit for 2009 in an amount not to exceed \$44,075. Motion carried: 7 ayes.

g. Manatawny Gateway Bids – Motion by Councilor Garner, seconded by Councilor Rhoads to reject all bids received on July 24, 2009 for the Manatawny Gateway project.

Mr. Bobst explained that the options will be revised to possibly a Phase I project in order to reduce costs.

Motion carried: 7 ayes.

h. FBO Lease – Motion by Councilor Wenzel, seconded by Councilor Berry to extend the existing FBO lease with TNT Air, Inc. on a month-to-month basis until December 31, 2009. Motion carried: 7 ayes.

i. Keystone Boulevard Extension – Motion by Councilor Garner, seconded by Councilor Gibson to authorize the Economic Development Subcommittee to pursue a study for the Keystone Boulevard Extension pending funding options at no cost to the Borough. Motion carried: 7 ayes.

j. Comprehensive Plan – Motion by Councilor Garner, seconded by Councilor Gibson to authorize the Economic Development Subcommittee to proceed with developing a stakeholders and steering committee to move forward with updating the Borough's Compressive Plan, the Downtown Comprehensive Plan and the Strategic Vision Plan. Motion carried: 7 ayes.

k. Strategic Visioning Plan – Motion by Councilor Garner, seconded by Councilor Gibson to grant authorization for participation by the Borough in a Strategic Visioning Plan for a cost not to exceed \$5,000.

Councilor Garner requested this additional action and advised that he consulted with Mr. Bobst and received information that this cost would not exceed the Borough's budget. He added that the other participants would be the Hill School, the County, and the TriCounty Chamber, along with the Pottstown School District. Councilor Garner agreed to verify this action with the School District.

President Toroney opened a public hearing on the new motion at 8:20 p.m. and requested public comments. Hearing none, he closed the public hearing on 8:21 p.m.

Motion carried: 7 ayes.

l. First Suburbs – Motion by Councilor Garner, seconded by Councilor Berry to authorize the Borough of Pottstown to join the First Suburbs project at a cost of \$500 annual fee.

Councilor Garner explained that this project would benefit older stressed municipalities throughout the Commonwealth. He added that he has verified that the fee is within the budget.

Motion carried: 7 ayes.

August 10, 2009

m. CHDC – Motion by Councilor Garner, seconded by Councilor Wenzel to ratify the Council President's letter of July 28, 2009 to the Community Health & Dental Care in support of its application to become a Federally Qualified Health Center Lookalike. Motion carried: 7 ayes.

Motion carried: 7 ayes.

n. Traffic Study – Motion by Councilor Gibson seconded by Councilor Garner to authorize the Police Department to conduct a traffic study for Penn Street (south). Motion carried: 7 ayes.

o. Codes Board of Appeals – Motion by Councilor Wenzel, seconded by Councilor Berry to appoint Joseph Fay to the Codes Board of Appeals for a two-year term to expire August 8, 2011. Motion carried: 7 ayes.

p. Codes Board of Appeals – Motion by Councilor Gibson, seconded by Councilor Allen to appoint Gail Palladino to the Codes Board of Appeals for a one-year term to expire August 8, 2010. Motion carried: 7 ayes.

q. EAC – Motion by Councilor Garner, seconded by Councilor Rhoads to appoint Michael Wilcox to the Environmental Advisory Council for a three year term to expire August 10, 2012. Motion carried: 7 ayes.

r. EAC – Motion by Councilor Garner, seconded by Councilor Rhoads to appoint Jeffrey Williams to the Environmental Advisory Council to fill a vacant term to expire August 10, 2010. Motion carried: 7 ayes.

s. HARB – Motion by Councilor Berry, seconded by Councilor Gibson to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- a) 1314 High Street
- b) 1242 East High Street
- c) 40½ King Street

Motion carried: 7 ayes.

t. HARB – Motion by Councilor Gibson, seconded by Councilor Wenzel to ratify action of the Building Permit Officer approving Certificates of Appropriates for the following properties:

- a) 110 King Street
- b) 176 North Hanover Street

Motion carried: 7 ayes.

u. HARB – Motion by Councilor Garner, seconded by Councilor Berry to table the applications for Certificates of Appropriateness for the following properties as recommended by HARB:

- a) 21 North Hanover Street
- b) 382 East High Street

Motion carried: 7 ayes.

August 10, 2009

v. Possible Action – Keystone Opportunity Zone Time Extension – Solicitor Garner explained the School District’s July 23<sup>rd</sup> action to extend the KOZ time extension from 2013 to 2020. He added that this was previously discussed before Council and the opinion was to allow the School District to take initial action. Solicitor Garner added that the deadline for submission was August 1<sup>st</sup>.

There was no action taken by Council.

w. PA Conservation Grant – Motion by Councilor Allen, seconded by Councilor Gibson to authorize Mayor Thomas to work with Johnson Controls for submission of a grant to the PA Conservation Grant with a deadline of August 15, 2009.

Councilor Garner commented that the Authority has diligently pursued this grant and has submitted an application to replace the blowers at the Wastewater Treatment Plant, which would result in a 25% energy savings.

President Toroney opened a public hearing at 8:40 p.m. and requested public comments.

Tom Carroll, member of Pottstown Borough Authority, explained that he worked with Honeywell and noted that the savings were not found within the Borough. He added that Honeywell eventually teamed with the School District for savings to the older elementary school buildings.

President Toroney closed the public hearing at 8:45 p.m. and requested a roll-call vote.

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

Motion carried: 5 ayes, 2 nays.

#### REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Wenzel to pay the outstanding bills in the amount of \$2,206,613.58. Motion carried: 7 ayes.

#### ADJOURNMENT

The meeting adjourned at 8:50 p.m. on motion by Councilor Allen.

Submitted by,

Jason M. Bobst  
Acting Borough Manager