

September 14, 2009

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, September 14, 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 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. Councilors Gibson and Allen were absent.

APPROVAL OF MINUTES

- a. Council Minutes – Motion by Councilor Garner, seconded by Councilor Wenzel to approve the August 10, 2009 regular Council meeting minutes as presented. Motion carried: 5 ayes.
- b. Special Meeting – Motion by Councilor Wenzel, seconded by Councilor Berry to approve the August 19, 2009 Special meeting minutes as presented.

Councilor Garner commented that he recalled two separate motions were made regarding the bike racks.

Councilor Berry moved to table approval of the Special meeting minutes until the October meeting.

EXECUTIVE SESSION

President Toroney recessed the meeting to executive session at 7:05 p.m. for one item of personnel.

The regular meeting reconvened at 7:10 p.m.

Solicitor Garner advised that as a result of the executive session two potential motions would be added, which would be consideration of appointing Jason Bobst as Borough Manager and if necessary, the approval of an employment agreement with Mr. Bobst as Borough Manager.

President Toroney noted that any comments on these additional motions would be entertained during the Comments period on the agenda.

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COMMENTS FROM CITIZENS PRESENT

a. Brandon Hall, President National Honor Society, PHS – commented that he is maintaining contact with the Mayor, Council and Staff to seek projects and information on behalf of the National Honor Society.

b. Jackie Wheatley, Pottstown – questioned why he was assessed a \$50 turn-on fee regarding his utility bill. He added the bill was late but service was not shut off.

President Toroney commented that Staff would follow up with him.

c. Raymond Burrell, Pottstown – complained about the excessive amount of potholes throughout town. He also questioned why the basketball net was removed from the park at Washington and South Streets.

d. Newstell Marable, 880 Cross Street – reiterated his concerns regarding the Ricketts Center and the operations of the Olivet Boys and Girls Club. He also commended Council for naming the Amphitheater at Riverfront Park as Downie Amphitheater.

MAYOR'S REPORT

Mayor Thomas provided the Police Statistics for the month of August. She also reported on three events she recently attended, which were the International Ministries 5 K Race to the Rescue, the Open a Franchise event at 867 North Hanover Street and the Gallery on High Arts and Photography event.

Mayor Thomas also commented on the September 9th presentation by the Pottstown School District regarding the proposed Athletic and Recreational improvements and requesting a partnership with the Borough for Economic Stimulus funds through the County Renaissance Program. The Mayor expressed a concern that the cost of the project was not provided by the School District or in the presentation. She cautioned that a requirement for any of the projects would be a 50% match and be revenue generators and also that jobs are created.

Mayor Thomas also requested that upcoming building projects be considered in the same context under the Comprehensive Borough-wide Plan and the Strategic Visioning Process.

BOROUGH MANAGER'S REPORT

Mr. Bobst reported that as part of the EIP report, Management training is scheduled for early October followed by employee training. He added that the Clarity upgrade with Caselle is in the process with the payroll module being the first phase of the implementation. Mr. Bobst also advised that a capital improvement plan for all vehicles, computer systems, paving and the infrastructure related projects for the Borough is being processed. He added that the crack seal program is underway with Liquid Fuel funding. The Healthcare Plan Review Committee's initial meeting is scheduled for October 8th. Mr. Bobst reminded all that the Airport Community Day is scheduled for September 26th and the Schuylkill River Festival is October 10th, including the dedication of the Ronald Downie Amphitheater and the Ribbon Cutting of the Hanover Street project.

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Mr. Bobst also advised that the Olivet Boys and Girls Club is seeking authority to rollover any unused funds into its 2010 budget. A final figure will be determined.

President Toroney requested that the Borough Garage be included in the capital projects and that the Olivet's request be held until budget negotiations.

COMMITTEE REPORTS

a. Library – There was no report. President Toroney advised that he would be appointing the Mayor to this committee.

b. Human Relations - Mayor Thomas acknowledged Rita Paez and Nancy Altman who present at the meeting and requested their comments. No additional comments were provided. The minutes were distributed.

c. PDIDA – Councilor Berry had no report.

d. Cable – A written report was in the packets.

e. COG – Councilor Garner reported that the members are actively seeking a project to benefit the entire community. Being considered is the Pottstown Library and the status of the building.

f. EAC – President Toroney advised that the DEP Permit Modification report is being considered.

g. Regional Planning – President Toroney advised that fiscal planning with surrounding communities is being considered and paid for through grants. The cost of the study is approximately \$200,00.

Councilor Garner added that County funds and the initiatives of the 10,000 Friends organization may be available for the Fiscal Planning initiative. This will be associated with the Comprehensive Plan update and the ULI study and the current Economic Development Plan.

h. Blighted Property Review – Solicitor Garner reported that at the August meeting, a tour was conducted to inspect blighted properties. This inspection will be continued at the September 24th meeting in conjunction with the Planning Committee.

President Toroney expressed a concern regarding the numbering system throughout town and the difficulty in locating the properties.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

a. Schuylkill River Day – Motion by Councilor Garner, seconded by Councilor Berry to adopt a Resolution declaring October 10, 2009 as Schuylkill River Day in the Borough of Pottstown.

RESOLUTION NO. 2009 - 31

AUTHORIZING THE DECLARATION OF OCTOBER 10, 2009 AS SCHUYLKILL RIVER DAY IN THE BOROUGH OF POTTSTOWN

WHEREAS, The Montgomery County Community College, in cooperation with the Borough of Pottstown, *The Mercury*, the Schuylkill River Heritage Area and many other businesses and organizations, have partnered to host the Schuylkill River Arts Festival on Saturday, October 10, 2009 in the Riverfront Park and on College Drive; and

WHEREAS, the featured themes will be art, entertainment, crafts and recreation with a focus on the Schuylkill River; and

WHEREAS, the Pottstown Borough's Open Space Plan has identified the need to develop Pottstown's Riverfront for recreational purposes.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that the Borough of Pottstown has declared October 10, 2009 as "Schuylkill River Day in the Borough of Pottstown."

Adopted at Pottstown Borough Hall, this 14th day of September A.D. 2009.

Motion carried: 5 ayes.

b. Fire Study – Motion by Councilor Garner, seconded by Councilor Rhoads to acknowledge receipt of the Emergency Services Education & Consulting Group Fire Study dated August 26, 2009.

Councilor Garner suggested that a committee be established to oversee the study.

President Toroney appointed Councilor Garner, Mayor Thomas and himself to the Adhoc Fire Study Committee.

Mayor Thomas suggested that the companies adhere to the recommendations of Dr. Jenaway in order to attain the success of the study.

Motion carried: 5 ayes.

c. Training Reimbursement – Motion by Councilor Garner, seconded by Councilor Berry to adopt a Resolution requesting reimbursement for expenses incurred for Police Academy Training and Education of Officer Brandon Sheehan.

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RESOLUTION NO. 2009 – 32

AND NOW, this 14th day of September 2009, the Borough of Pottstown, Montgomery County, Pennsylvania, being desirous of obtaining reimbursement of monies for expenses incurred for Officer Brandon James Sheehan, pursuant to the training provision so the Municipal Police Officers' Education and Training Act, Act 120 of 1974, hereby enacts the following RESOLUTION.

BE IT RESOLVED by the Borough of Pottstown, and it is hereby resolved by the authority of same:

THAT the Borough of Pottstown hereby agrees that while receiving any funds from the Commonwealth of Pennsylvania pursuant to said Act, the Borough of Pottstown shall adhere to the rules, regulations and training standards established by the Municipal Police Officers' Education and Training Commission.

IN WITNESS WHEREOF the Borough of Pottstown hereby authorized the execution and attestation of the RESOLUTION and the date first above written.

Motion carried: 5 ayes.

d. MMO- POLICE – Motion by Councilor Garner, seconded by Councilor Berry establishing the member contribution for the Police Pension Plan at 4.8% for calendar year 2010 and acknowledging that the 2010 Minimum Municipal Obligation for the Police Pension Plan is \$288,444.

RESOLUTION NO. 2009 - 33

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2010 MINIMUM MUNICIPAL OBLIGATION (MMO) AND ESTABLISHING THE CONTRIBUTION FOR MEMBERS OF THE POTTSTOWN POLICE PENSION PLAN FOR THE CALENDAR YEAR 2010, ENDING DECEMBER 31, 2010.

WHEREAS, the State of Pennsylvania required that those Boroughs which have participants that contribute less than five percent (5%) must pass a Resolution declaring the pension contributions will be less than five percent (5%); and

WHEREAS, it has been determined by the plan actuary that member contributions for calendar year 2010 should be established a four and eight-tenths percent (4.8%); and

WHEREAS, the Pottstown Police Pension Board has formally acted to recommend to Borough Council a contribution to the plan consistent with the actuary's recommendation;

WHEREAS, it is further required that the Minimal Municipal Obligation ("MMO") for 2010 as calculated by the plan actuary be presented to Council prior to September 30th of the preceding year.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown in lawful session this 14th day of September 2009, as follows:

1. The annual member contribution be established for calendar year 2010 at four and eight-tenths percent (4.8%) which shall begin January 1, 2010 and shall remain in effect through December 31, 2010.
2. The 2010 MMO, as calculated by the plan actuary, is Two Hundred Eighty-eight thousand and Four Hundred Forty-four dollars (\$288,444.00).

Enacted and Resolved this 14th day of September 2009.

Motion carried: 5 ayes.

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e. MMO – NON-UNIFORM – Motion by Councilor Wenzel, seconded by Councilor Berry to adopt a Resolution acknowledging that the 2010 Minimum Municipal Obligation for the Pottstown Pension Plan (Non-Uniform) is \$172,864.

RESOLUTION NO. 2009 – 34

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2010 MINIMUM MUNICIPAL OBLIGATION FOR THE POTTSTOWN BOROUGH NON-UNIFORMED PENSION PLAN.

WHEREAS, the Borough of Pottstown maintains a pension plan for the benefits of its municipal employees; and

WHEREAS, upon a yearly basis pursuant to law, the Borough is required to calculate the Minimal Municipal Obligation (hereinafter referred to as “MMO”) for the next calendar year; and

WHEREAS, the MMO for 2010 has been computed to be One Hundred and Seventy-two thousand and Eight Hundred and Sixty-four dollars (\$172,864.00).

WHEREAS, the Borough is required to pass a Resolution recognizing the actuarial condition of the plan each year and acknowledging the required MMO.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown that the Borough of Pottstown Municipal Pension Plan MMO for 2010 is One Hundred and Seventy-two thousand and Eight Hundred and Sixty-four dollars (\$172,864.00). Enacted and Resolved this 14th day of September 2009.

Mayor Thomas commented that there has been discussion regarding a private entity getting involved in managing the non-uniform pension plan and suggested that it may be beneficial to pursue.

Mr. Bobst added that it would take a 75% vote of the plan members to utilize this process. He suggested scheduling a meeting with AFSCME and retirees to explain the plan.

Motion carried: 5 ayes.

f. Traffic Study – King & Warren Streets – Motion by Councilor Garner, seconded by Councilor Rhoads to accept the King Street and North Warren Street Traffic Study recommending increase parking restrictions on the east and west side of North Warren Street and authorize the Solicitor to prepare an amendment to the Master Traffic Ordinance.

President Toroney requested a roll-call vote.

Berry	yes	Wenzel	yes
Garner	yes	Toroney	no
Rhoads	yes		

Motion carried: 4 ayes, 1 nay.

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g. Traffic Study – High & Penn Streets – Motion by Councilor Garner, seconded by Councilor Rhoads to accept the High Street at Penn Street (South) Traffic Study with a recommendation of the Police Department to paint a stop line on South Penn Street, south of High Street, for northbound traffic.

President Toroney requested a roll-call vote.

Berry	yes	Wenzel	yes
Garner	yes	Toroney	yes
Rhoads	yes		

Motion carried: 5 ayes.

h. Traffic Study – Chestnut & Washington Streets – Motion by Councilor Berry, seconded by Councilor Garner to accept the Chestnut Street and Washington Street Traffic Study and take no action as recommended by the Police Department. Motion carried: 5 ayes.

i. Comprehensive Traffic Study of July 2009 – Councilor Garner suggested that notices be provided to area residents for input prior to taking action on the Comprehensive Study for the areas of Charlotte Street, Lincoln Avenue, Jefferson Avenue and North Evans, North Franklin and Beech Street.

After a brief discussion among Council, Councilor Berry moved to table this matter until the October meeting.

President Toroney requested that the recommendations be listed separately.

j. Piccone Subdivision – Motion by Councilor Garner, seconded by Councilor Wenzel to grant preliminary/final approval of the Piccone Subdivision, 434 West Street, subject to the Developer satisfying the following conditions within 90 days:

- a) Compliance with the Bursich letter of July 17, 2009
- b) Compliance with the Montgomery County Planning Commission letter of July 23, 2009
- c) Applicant to vacate entire alley width adjacent to Lot 4
- d) Payment in lieu of open space
- e) Note on recorded agreement indicating obligation of property owners to maintain stone drainage arch and indemnify the Borough of Pottstown
- f) Payment in full of all Borough review fees
- g) Preparation and execution of Developer's Agreement in a form acceptable to the Borough

Councilor Garner suggested reserving an easement or right of way with respect to stormwater.

Solicitor Garner confirmed that this would be addressed with the Public Works Director.

Mr. Smith, the applicant's Engineer, was present on behalf of the Applicant and agreed to the conditions as stated.

Motion carried: 5 ayes.

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k. Piccone Subdivision – Motion by Councilor Berry, seconded by Councilor Wenzel to grant the following waiver requests from the requirements of the Subdivision and Land Development Ordinance for the Piccone Subdivision, 434 West Street:

- a) Section A505 – requirement to dedicate open space
- b) Section A520 – requirement to pave portion of alley
- c) Section A529.1E – requirement to provide driveway access to alley

Motion carried: 5 ayes.

l. Plum Street – Motion by Councilor Garner, seconded by Councilor Wenzel to grant final approval of the Plum Street Development Plan, 56-58 South Charlotte Street, subject to the Developer satisfying the following conditions within 90 days:

- a) Satisfactory compliance with Bursich letter of August 24, 2009
- b) Payment of a fee in lieu of open space in the amount of \$500 per unit prior to issuance of building permits
- c) Creation of an easement in the parking area to allow a turnaround from Plum Street, the form of which is acceptable to Borough Solicitor
- d) Emergency access to the site acceptable to the Fire Chief
- e) Planting of arborvitae at least four to five feet in height as buffer screening on southerly side of property, as reasonable determined by Bursich Associates
- f) Improvements to Plum Street as identified with the Note on the plan
- g) Preparation and execution of a Development Agreement the form of which is acceptable to the Borough
- h) Payment in full of all Borough review fees

Frank McLaughlin, the developer was present and agreed to the conditions.

Councilor Rhoads questioned the fees in lieu of and to which account they were being attributed.

Mr. Bobst responded that the only requirement is to the open space account for the Parks and Recreation capital reserve fund. He added that a fee in lieu of policy is being prepared and will be reviewed by the Solicitor.

Motion carried: 5 ayes.

m. Planning Assistance Contract – Motion by Councilor Garner, seconded by Councilor Wenzel to adopt a Resolution and approve and authorize execution of a three-year Planning Assistance Contract with Montgomery County Planning Commission for consulting services for the Pottstown Planning Commission, in the amount of \$36,603.

RESOLUTION NO. 2009 - 35

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPROVING AND AUTHORIZING THE EXECUTION OF A PLANNING ASSISTANCE CONTRACT WITH THE COMMISSIONER OF MONTGOMERY COUNTY

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WHEREAS, Pottstown Borough Council has previously requested Montgomery County to provide planning assistance to in the form of general services, flexible assistance, structured assistance (including comprehensive plan review and revision, zoning ordinance review and revision, as well as strategic planning), and,

WHEREAS, Montgomery County, through its Planning Commission, has agreed to render such assistance as specifically set forth in Agreement between the Commissioners of Montgomery County and the Borough of Pottstown; and

WHEREAS, Montgomery County has requested the Borough's acceptance of the aforesaid contract by and through a Resolution of the Pottstown Borough Council.

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

1. The Pottstown Borough Council hereby approves the Planning Assistance Contract between Commissioners of Montgomery County and The Borough of Pottstown dated January 1, 2010, and authorizes its execution. A true and correct copy of the aforesaid contract is attached hereto and incorporated herein as exhibit "A".

ENACTED AND RESOLVED this 14th day of September 2009.

Motion carried: 5 ayes.

n. 2009 Chemical Bids – Motion by Councilor Berry, seconded by Councilor Wenzel to award the 2009 Chemical Bids for one-year contracts as follows and as set forth in the bid tabulation, subject to approval of the Solicitor:

- a) Alum to General Chemical Corporation
- b) Potassium Permanganate & Hydrogen Peroxide to Coyne Chemical
- c) Hydrofluosilic Acid, Power Act. Carbon & Sodium Hydroxide to Univar
- d) Sodium Bisulfate to Basic Chemical Solutions
- e) Ortho Polyphosphate to Shannon Chemical Corporation

Motion carried: 4 ayes, 1 abstention. Councilor Garner abstained due to his affiliation with the Authority.

o. Economic Development Steering Committee – Councilor Garner requested additional time in order to seek confirmation of the appointments to the committee.

President Toroney recommended that Councilor Garner provide the appointees by email to Council when finalized.

Councilor Garner advised that a reception for the ULI Stakeholders is scheduled for October 5th and the Summit scheduled for October 6th and 7th.

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

- a) 836 East High Street
- b) 348 East High Street
- c) 940 East High Street
- d) 382 East High Street

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Motion carried: 5 ayes.

q. HARB – Motion by Councilor Berry, seconded by Councilor Wenzel to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the property located at 121 King Street. Motion carried: 5 ayes.

r. HARB – Motion by Councilor Garner, seconded by Councilor Berry to table the applications for Certificates of Appropriateness for the property located at 21 North Hanover Street as recommended by HARB. Motion carried: 5 ayes.

s. Library Board – Motion by Councilor Garner, seconded by Councilor Wenzel to approve the President's appointment of Mayor Sharon Thomas as the Council Representative to the Library Board.

Mayor Thomas reported that with respect to the funding for energy dollars, she has initiated negotiations with a company to address the energy needs of the Library and was hopeful to coordinate these projects with the COG as suggested by Councilor Garner.

Motion carried: 5 ayes.

t. Borough Manager – Motion by Councilor Garner, seconded by Councilor Berry to appoint Jason Bobst as Pottstown Borough Manager.

Councilor Garner commented the Mr. Bobst has done an outstanding job during his time as Assistant and Acting Borough Manager and understands the legal relationship regarding the role as Borough Manager and the role of Council.

Motion carried: 5 ayes.

u. Borough Manager Agreement – Motion by Councilor Garner, seconded by Councilor Berry to approve and execute an employment agreement with Jason Bobst as Pottstown Borough Manager.

Councilor Garner noted that this agreement is consistent with agreements entered into with prior Borough Managers and adequately protects the interest of both parties.

Motion carried: 5 ayes.

REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Rhoads to approve the outstanding bills in the amount of \$2,082,095.12. Motion carried: 5 ayes.

ANNOUNCEMENTS

President Toroney announced the request of Chairman Downie to hold a joint meeting with Council for a date in October.

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Mayor Thomas advised of the upcoming events, the October 4th Carousel of Flavor, the October 10th Schuylkill River Festival and the October 12th PAL event at Sunnybrook. The Mayor donated her \$10 certificate for the Carousel.

Councilor Garner advised that Ken Klothen, Montgomery County Economic Development Director, would be conducting a workshop on September 21st regarding the Montgomery County Economic Development Plan. Mr. Garner will be attending and will provide a report at the next Council meeting.

ADJOURNMENT

The meeting adjourned at 8:30 p.m. on motion by Councilor Garner.

Submitted by,

Jason M. Bobst
Borough Manager