

January 11, 2010

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, January 11, 2010 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 Mrs. Eucharis Kirkland.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Councilors present were Mark Gibson, Maureen Allen, Jeff Chomnuk, Stephen Toroney, Dan Weand, Jody Rhoads and Joseph Kirkland. Also present were Mayor Bonnie Heath, Solicitor Charles Garner, Borough Manager Jason Bobst and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

a. Motion by Councilor Allen, seconded by Councilor Rhoads to approve the December 14, 2009 regular Council Meeting minutes as presented.

Councilor Gibson commented that he was not present at the December 14<sup>th</sup> meeting and requested that two motions be corrected as being made by former Councilor Berry.

The motion to approve the amended minutes carried: 7 ayes.

b. Motion by Councilor Gibson, seconded by Councilor Rhoads to approve the December 29, 2009 Adjournment Meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Bill Haley, Main Street Manager – spoke on behalf of the PDIDA board and requested the appointment of Jay Constantine to fill the open term on the Board.

b. Tom Hylton, 222 Chestnut Street – also spoke on behalf of the Shade Tree Commission and requested Council's consideration to reappoint Patty Fetterman to the Commission.

c. Helen Mackewicz, 73 North Evans Street – objected to Council taking action on the budget at the Committee of the Whole meeting wherein comments from citizens are not usually accepted. Mrs. Mackewicz also commented on the harmful chemical fluoride still being added to the drinking water and also objected to the agreements made with the Townships by the Authority.

Solicitor Garner explained the time line for Council to override the former Mayor's veto. He also noted that a public comment period was open at the Committee of the Whole meeting.

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- d. Philip Thees, 63 South Evans Street – spoke on the current economy of the Borough. He stated that all public debt should be retired, cut spending and rebuild the job image and bring in businesses to the Borough. Mr. Thees also recommended that the hiring practice for the town should be initially offered to Borough residents.
- e. Judy Zahora, 806 North Evans Street – suggested that Council adhere to the ULI summit in streamlining the Codes process. She also expressed a concern that the Shade Tree Commission would be overseeing the Sidewalk repair project as listed on the agenda.
- f. Don Read, 810 Spruce Street – also suggested that the Borough become more business friendly in order to bring additional jobs to town. Mr. Read also stated that the tax increase is unsustainable.
- g. Newstell Marable, 880 Cross Street – reiterated his request to rename Armand Hammer Boulevard to Martin Luther King, Jr. Boulevard. He also expressed his concern regarding the discrepancy and disparity with Borough Hall employees and requested a meeting with Borough officials.
- h. Michael Herriger, 1129 Queen Street – commented on the number of businesses leaving the area and the lack of jobs.

#### MAYOR'S REPORT

Mayor Heath spoke on the budget issues and the process of the veto. She also commented on the appropriated expenses of the 2010 budget. The Mayor also explained the need for reserve monies with the Authority and commented that shifting money is not the best practice.

#### BOROUGH MANAGER'S REPORT

Manager Bobst reported that the Borough received \$200,000 in CDBG funds targeted for long-term homeowners. He also explained a proposal for scheduling ward meetings with the citizens. Mr. Bobst also advised that he would be touring the downtown businesses along with Mayor Heath and reported on the upcoming contract negotiations and the 2010 census survey.

Mr. Bobst advised that he would be working with the PSAB on HB 2081 regarding the Emergency Mandate Suspension Act to provide financial relief for schools and municipalities for unfunded state mandates. He also reported on HR 3007, Local Fiscal Assistance Act, to reinstate federal revenue sharing. The Manager also thanked all those involved with the Christmas events in the Smith Family Plaza. He also referred to the proposed zoning application for a recycling center in the former Bethlehem Steel complex. Manager Bobst also requested Councilors input on their goals and objectives for the New Year.

#### COMMITTEE REPORTS

- a. Library – There was no report.

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- b. Human Relations - Mayor Heath reported that she has not yet attended a meeting.
- c. PDIDA - There was no report.
- d. Cable – President Toroney referred to the PCTV financial report.
- e. COG – President Toroney advised that the COG meeting is scheduled for January 12<sup>th</sup>.
- f. EAC – No report.
- g. Regional Planning – President Toroney noted that the next meeting is January 27<sup>th</sup>.
- h. Blighted Property Review – Solicitor Garner advised that the meetings will continue for the fourth Thursday of the month at 3:30 p.m.

#### UNFINISHED BUSINESS

None.

#### NEW BUSINESS

a. CDBG Sidewalk Grant – Motion by Councilor Weand, seconded by Councilor Kirkland to authorize the Borough to proceed with the application for a Community Development Block Grant (CDBG) in the amount of \$200,000 for a Sidewalk Replacement Project, subject to approval of the Borough Manager and Borough Solicitor.

Councilor Weand commented that he would prefer that any money for grants should be overseen and directed through the Borough.

Mr. Yerger requested that Council consider amending its ordinances to include asphalt as an acceptable material for sidewalk repairs.

Mr. Bobst confirmed there is no match and applications are due by April 15<sup>th</sup>.

Motion carried: 7 ayes.

b. Comprehensive Fee Resolution – Motion by Councilor Weand, seconded by Councilor Rhoads to adopt a Resolution amending the Comprehensive Fee Resolution to modify building permit fees for the Code Enforcement Department and certain fees for the Pottstown Tax Office as related to duplicates of tax certifications.

#### RESOLUTION NO. 2010 – 1

A RESOLUTION AMENDING THE COMPREHENSIVE BOROUGH FEE RESOLUTION TO MODIFY BUILDING PERMIT FEES OF THE CODE ENFORCEMENT OFFICE AND THE TAX OFFICE.

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

WHEREAS, the Borough periodically reviews the Fee Resolution to determine if additions or amendments to the Fee Resolution are necessary and appropriate; and

WHEREAS, based upon recommendation of the Code Enforcement Office, the Borough of Pottstown desires to amend certain fees as they relate to Building Permits.

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

**SECTION 1.** The following Building Permit fees of the Pottstown Code Enforcement Office are hereby amended and shall be imposed as set forth below:

Building Permit Fees (based upon computable square footage):	
a. Construction Permit	\$60.00 for the first \$2,000 cost, plus 3% on the costs in excess of \$2,000

**SECTION 2.** The following Fees of the Pottstown Tax Office are hereby amended and shall be imposed as set forth below:

Tax Collector fees:	
Duplicate copy of tax bill	\$ 10.00 each
Tax Certification	\$ 27.00 to be allocated as follows:
Borough of Pottstown:	\$9.00
Pottstown School District:	\$9.00
Montgomery County:	\$9.00

**SECTION 3.** All future modifications of fees established by the Borough shall be made by Resolution duly adopted by the Burgess and Town Council of the Borough of Pottstown.

**SECTION 4.** This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 11<sup>th</sup> day of January 2010.

Motion carried: 6 ayes, 1 abstention. President Toroney abstained from voting.

c. AutoZone Agreement of Sale – Motion by Councilor Allen, seconded by Councilor Rhoads to accept the offer of AutoZone Northeast, Inc., for the purchase of a 1,614 square foot portion of real property owned by the Borough at 351 High Street, for a total amount of \$4,000 and to approve and authorize execution of an Agreement of Sale. Motion carried: 7 ayes.

d. Revitalization Projects – Motion by Councilor Gibson, seconded by Councilor Chomnuk to approve the submission of two projects to the Montgomery County Community Revitalization Board and prioritize as follows:

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- a) The Gallery School of Pottstown
- b) Western Gateway

Mr. Bobst referred to a letter from the Carousel of Pottstown requesting support for its solar panel roof project and explaining the present condition of the roof.

Councilor Weand questioned why the roof was not repaired prior to other improvements to the property.

Mr. Bobst confirmed that the Borough owns the building and leases it to the Carousel, who is responsible for maintenance of the building. He also advised that under the allocation of \$837,000 in funding, the Borough is able to submit three projects, which will be judged on their merit.

After a brief discussion among Council, President Toroney requested that the Borough Manager provide a letter to the Carousel on behalf of Council directing that the building be secured and provide alternative information regarding solar panels and suggest that funding donated by Mascaro's be used towards the roof.

President Toroney requested a roll-call vote on the original motion.

Allen	yes	Rhoads	yes
Chomnuk	yes	Weand	yes
Gibson	yes	Toroney	yes
Kirkland	yes		

Motion carried: 7 ayes.

Councilor Kirkland also requested that a certification be made after the roof is repaired.

e. HARB – Motion by Councilor Weand, seconded by Councilor Chomnuk to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- a) 513 High Street
- b) 110 King Street
- c) 538-540 High Street
- d) 235 High Street

Motion carried: 7 ayes.

f. HARB – Motion by Councilor Allen, seconded by Councilor Rhoads to ratify action of Building Permit Officer approving Certificates of Appropriateness for the following properties:

- a) 37 High Street
- b) 846 High Street
- c) 312 King Street

Motion carried: 7 ayes.

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g. Blighted Property Review – Motion by Councilor Chomnuk, seconded by Councilor Gibson to retain the standing members of Dan Weand (Planning Commission), Mark Gibson (Council) Bill Sharon and Cheryl Chiarello (Borough residents), to the Blighted Property Review Committee for one (1) year terms to expire December 31, 2010.

Solicitor Garner confirmed that the County also has a seat on the Board, which has been occupied by Jerry Nugent of the Redevelopment Authority.

Motion carried: 7 ayes.

h. Borough Authority – Motion by Councilor Chomnuk, seconded by Councilor Rhoads to reappoint Ronald Downie to the Pottstown Borough Authority for a five (5) year term to expire January 1, 2015. Motion carried: 7 ayes.

i. PDIDA – Motion by Councilor Weand, seconded by Councilor Rhoads to appoint Jay Constantine to the Pottstown Downtown Improvement District Authority for a five (5) year term to expire January 1, 2015. Motion carried: 7 ayes.

j. PDIDA (vacancy) – Motion by Councilor Gibson, seconded by Councilor Weand to table the appointment to fill a vacant term. Motion carried: 7 ayes.

President Toroney noted this would be addressed at the February meeting.

k. Shade Tree Commission – Motion by Councilor Rhoads, seconded by Councilor Chomnuk to appoint Kathleen Bortz to the Shade Tree Commission for a five (5) year term to expire January 1, 2015. Motion carried: 6 ayes, 1 nay. Councilor Gibson cast the negative vote.

l. Zoning Hearing Board – Motion by Councilor Chomnuk, seconded by Councilor Rhoads to appoint Jay Harp for a three (3) year term to expire January 1, 2013.

#### RESOLUTION NO. 2010 – 2

#### A RESOLUTION APPOINTING JAY R. HARP, SR., AS A MEMBER OF THE POTTSTOWN BOROUGH ZONING HEARING BOARD FOR A TERM OF THREE (3) YEARS

WHEREAS, Article IX of the Pennsylvania Municipalities Planning Code and Section 901 of the Pottstown Borough Zoning Ordinance authorizes Borough Council to appoint, by Resolution, members of the Pottstown Borough Zoning Hearing board.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town council of the borough of Pottstown, Montgomery County, Pennsylvania, as follows:

1. Jay r. Harp, Sr., is hereby appointed to the Pottstown borough Zoning Hearing Board for a three (3) year term, expiring January 1, 2013.
2. That the said member shall participate in all proceedings of the Pottstown Borough Zoning Hearing Board to the same and full extent as provided by law.

ENACTED AND RESOLVED this 11<sup>th</sup> day of January A.D. 2010.

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Motion carried: 7 ayes.

Solicitor Garner commented that Mr. Schwab would remain as the Alternate member until 2012.

#### PRESIDENT & VICE PRESIDENT APPOINTMENTS TO COMMITTEES & SUBCOMMITTEES

President Toroney announced the following appointments as decided by himself, Vice President Gibson and Manager Bobst:

Finance & Administration Committee – Councilors Weand, Allen and President Toroney  
Infrastructure Committee (Codes, Public Works, Parks & Recreation)– Councilors Rhoads,  
Chomnuk and Kirkland

Public Safety (Safety, Parking & Fire) – Councilors Rhoads, Gibson and Mayor Heath

Economic Development & business Liaison – Councilor Kirkland, Weand and President Toroney

Transportation (Airport & PART) – Councilors Chomnuk, Gibson & Allen

Police Pension board – Councilor Gibson, Kirkland and Mayor Heath

Library Board – Mayor Heath

PDIDA – Mayor Heath

First Suburbs – Councilors Weand & Chomnuk

Solicitor Garner advised that additional members of Council could attend the meetings but may not participate or provide discussion at the meetings.

Manager Bobst also suggested that minutes of the meetings be provided to Council along with the verbal report.

#### REPORT OF BILLS

Motion by Councilor Toroney, seconded by Councilor Weand to pay the outstanding bills in the amount of \$2,980,079.98. Motion carried: 7 ayes.

#### ANNOUNCEMENTS

Councilor Weand suggested that Council begin to prepare for a 0% tax increase and requested that Staff take action immediately to collect the 50 highest Accounts Receivables over 90 days old. He also suggested that the 50 highest paid vendors be contacted and requested to lower their prices and fees and also invited residents to attend the Blighted Property Review Committee meetings, 4th Thursday of the month at 3:30 p.m. Councilor Weand requested any and all citizen comments be forwarded to weand.improvepottstown@verizon.net.

President Toroney also noted that he would also be appointing members to the contract negotiating teams and advised that any discussion on this matter would take place only in executive session of Council.

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Councilor Gibson provided information on the upcoming events for Martin Luther King, Jr. Day, January 18<sup>th</sup>.

ADJOURNMENT

The meeting adjourned at 8:40 p.m. on motion by Councilor Weand.

Submitted by,

Jason M. Bobst  
Borough Manager