

March 8, 2010

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, March 8, 2010 at 6:30 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Toroney in the Chair.

### CONDITIONAL USE ó SMILING FACES CHRISTIAN LEARNING CENTER, 591 JEFFERSON AVENUE

Solicitor Garner opened a hearing at 6:30 p.m. for Octavia Durham.

Maria Gerber, Inspections Department Manager, testified that she received a call from Ms. Durham and requested a continuance due to a medical emergency.

Councilor Rhoads moved to grant the continuance to April 7, 2010, 6:30 p.m. Councilor Gibson seconded the motion. Motion carried: 4 ayes (Councilors Rhoads, Gibson, Chomnuk & Toroney present).

### CONDITIONAL USE ó CHIROPRACTIC & WELLNESS CENTER, 1143 EAST HIGH STREET

Solicitor Garner opened a hearing at 6:32 p.m. for Dr. Niraj Patel requesting the use of an existing building located at 1143 East High Street for a chiropractic office.

Dr. Patel testified that there should be no parking or traffic impact. He agreed to abide by all sign and code regulations as required. Dr. Patel also stated that he would contribute his share of alley upgrades if appropriate.

Councilor Kirkland suggested that he would be in favor of the request with the condition of patients parking on the street and providing handicap and employee parking in the rear.

The hearing closed at 7:00 p.m.

### INVOCATION

The invocation was provided by Attorney David Garner.

### 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 Kirkland, seconded by Councilor Rhoads to approve the February 3,

March 8, 2010

2010 Committee of the whole meeting minutes as presented. Motion carried: 7 ayes.

b. Motion by Councilor Weand, seconded by Councilor Rhoads to approve the February 8, 2010 Council meeting minutes as presented. Motion carried: 7 ayes.

#### COMMENTS FROM CITIZENS PRESENT

a. Philip Thees, 63 South Evans Street ó urged Council to use caution in next year's budget and spending. He also commended the Borough crews working on potholes. Mr. Thees also expressed a concern regarding the drainage water from The Hill School project.

President Toroney responded that this was addressed during the Planning Commission meetings.

b. Newstell Marable, President NAACP, 880 Cross Street ó reiterated his concern in renaming Armand Hammer Boulevard to Dr. Martin Luther King, Jr. Boulevard. He added that nothing in the Borough has the name of Dr. King.

c. Anna Johnson, 515 Chestnut Street ó thanked the Police Department for its contribution towards Town Watch signs for the Citizens for Pottstown Revitalization. She also reminded Council of CPR's monthly meetings held on the third Friday of the month, 146 King Street.

d. Jerry Stick, 287 Master Street ó commented on not being able to scheduled an appointment with the Borough Manager.

e. Bruce Madara, 543 North Adams Street ó expressed a concern about not receiving a return call from the Borough Manager.

#### MAYOR'S REPORT

Mayor Heath reported that she along with the Borough Manager attended a SCORE luncheon. She also commended the TriPAC for its recent event, *Noises Off*. The Mayor also provided information on upcoming events, including the April 17<sup>th</sup> Clean Up.

#### BOROUGH MANAGER'S REPORT

Manager Bobst advised that efforts are being coordinated with PDIDA for future snow events, along with a review of the snow removal policy. He also noted that a review of the Personnel Policy is underway. Mr. Bobst also provided an update on Commerce Corner, PAID and Section 8 Housing, Fair Housing and First Suburbs projects. He also reported that the Audit is underway and that he is moving forward with a five-year budget format and projections. Mr. Bobst also advised that the next Ward meeting for Wards 3 and 4 is scheduled for March 11<sup>th</sup> at the First Church of the Brethren. He also noted that an appointment would be open in April on the Human Relations Commission. Mr. Bobst advised that quarterly reports would be presented to Council on the EIP recommendations, the first report scheduled for April.

March 8, 2010

## COMMITTEE REPORTS

- a. Library ó President Toroney requested a volunteer to serve as the Council representative to the Library.
- b. Human Relations - Minutes were provided in the packets.
- c. PDIDA - Mayor Heath reported that PDIDA is working on financial difficulties and on overdue collections. She added that Mr. Haley is continuing his efforts for upcoming events in the downtown, including First Saturdayø and proposed new restaurants. She also noted that the Schuylkill River Sojourn would make a stop in Pottstown.
- d. COG ó Mr. Bobst announced that the next meeting is scheduled for March 9<sup>th</sup>, Douglass Township.
- e. Cable ó There was no meeting.
- f. EAC ó Jim Derr noted the Committeeø disappointment in the Creative Fuels proposal that was withdrawn. He also advised that discussions took place regarding a composting site and storm water issues. Mr. Derr also offered the services of the new member, Jeff Williams regarding energy and efficiency issues.
- g. Regional Planning ó President Toroney reported that the Board approved the changes to the Pottstown Metropolitan Region Intergovernmental Cooperative Implementation Agreement and this will come before all the governing bodies for approval.
- h. Blighted Property Review ó Councilor Weand advised that the January minutes were distributed. He also noted that during his meeting with Attorney Michelle Portnoff, she offered their database free of charge in assistance to locating property owners.

## UNFINISHED BUSINESS

None.

## NEW BUSINESS

- a. Officer Sheehan ó Mayor Heath swore in Officer Brandon J. Sheehan in the presence of his family and fellow officers. The Mayor also read a proclamation in honor of Officer Sheehan.
- b. Presentation ó Washington Street Action Plan ó Judy Memberg, Executive Director of Genesis Housing and Peter Simone, Simone Collins Landscape Architecture, were present to provide Council with the 2010 update of the Washington Street Neighborhood Action Plan, which began in 2000. Ms. Memberg distributed a list of 25 completed rehabilitated properties and 6 projects underway.

March 8, 2010

Mr. Simone reviewed upcoming proposals and reuse of properties in the Washington Street Neighborhood. The proposals as presented are an estimated cost of \$1.4 million and noted that the project would be implemented with funding through various County, State and Federal sources.

c. Handicap Space Appeal ó Motion by Councilor Rhoads, seconded by Councilor Weand to reverse the decision of the Committee and approve the Handicap Space Application for Cornelius Wentzel, 1237 Maple Street.

Councilor Gibson commented that he would abstain from voting since he was not present for the hearing on Wednesday. He provided information on three prior occasions, wherein applicants were denied due to having available alternative parking, as does Mr. Wentzel.

Councilor Kirkland also noted that he inspected the property and his opinion was that it would be safer and more convenient for the applicant to park in the rear of his property.

President Toroney also viewed the parking area and stated that it would be a burden on police to manage a handicap space in that area. The President requested a roll call vote.

Allen	no	Rhoads	yes
Chomnuk	no	Weand	yes
Gibson	abstained	Toroney	no
Kirkland	no		

Motion denied: 4 nays, 2 ayes, 1 abstention.

d. Handicap Space Appeal ó Motion by Councilor Chomnuk, seconded by Councilor Allen to uphold the recommendation of the Police Department and deny the appeal of the applicant for a Handicap Parking Space at the property located at 1237 Maple Street.

President Toroney requested a roll call vote.

Allen	yes	Rhoads	no
Chomnuk	yes	Weand	no
Gibson	abstained	Toroney	yes
Kirkland	yes		

Motion carried: 4 ayes, 2 nays, 1 abstention.

e. Fire Ordinance ó Motion by Councilor Weand, seconded by Councilor Chomnuk to adopt an Ordinance amending Chapter 1, Section F, the Fire Ordinance.

#### ORDINANCE NO. 2072

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING CERTAIN SECTIONS OF PART F, FIRE CHIEF, OF PART 2,

March 8, 2010

APPOINTED OFFICIALS, OF CHAPTER 1, ADMINISTRATION AND GOVERNMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED.

Motion carried: 6 ayes, 1 abstention. Councilor Gibson abstained due to his association with the Fire Company.

f. Sidewalk Ordinance ó Motion by Councilor Gibson, seconded by Councilor Allen to authorize the Solicitor to prepare and advertise an Ordinance amending the Sidewalk Ordinance to establish the use of asphalt as an alternative to concrete. Motion carried: 7 ayes.

g. Ordinance Amendments ó Motion by Councilor Weand seconded by Councilor Chomnuk to authorize the Solicitor to advertise an Ordinance amending Chapter 1, Administration, Cable Commission, Chapter 15, Motor Vehicles and Chapter 20, Solid Waste. Motion carried: 7 ayes.

h. Portnoff Extension ó Motion by Councilor Weand, seconded by Councilor Gibson to approve a one-year extension of the contract between the Borough of Pottstown and Portnoff Law Associates from July 1, 2010 to June 30, 2011, for the collection of delinquent accounts.

Mr. Bobst confirmed that Portnoff does offer a payment plan for clients as appropriate. He added that a meeting would be scheduled with Portnoff to review the internal process.

President Toroney requested that monthly reports be provided to Council.

Motion carried: 7 ayes.

i. 904 Recycling Grant Extension ó Motion by Councilor Gibson, seconded by Councilor Kirkland to ratify the one-year extension of the 904 Recycling Grant contract between the Borough of Pottstown and E. R. Conrad & Associates, to March 4, 2011.

Mr. Bobst confirmed that the existing RFP would be provided to the EAC for review and comments by December.

Motion carried: 7 ayes.

j. Lawn Maintenance Bid - Motion by Councilor Weand, seconded by Councilor Kirkland to award the 2010 Lawn Maintenance bid for the Pottstown Municipal Airport and the Borough Garage to Innovative, Inc., Pottstown, PA, in the amount of \$435 per cut and \$35 per cut, respectively. Motion carried: 7 ayes.

k. Lawn Maintenance Bid ó Motion by Councilor Weand, seconded by Councilor Chomnuk to award the 2010 Lawn Maintenance bid for the Ricketts Community Center to GoreCon, Inc., Doylestown, PA or lowest responsible bidder in the amount of \$75 per cut.

Solicitor Garner explained that GoreCon has made a request to withdraw its bid and he is in the process of reviewing this matter.

March 8, 2010

Motion carried: 7 ayes.

l. The Hill School East Faculty Village ó Motion by Councilor Gibson, seconded by Councilor Weand to grant preliminary approval of the Hill School East Faculty Village Land Development, 945 Chestnut Street, Green Street and Walnut Street, subject to satisfying the following conditions at or prior to final plan approval.

- a) Compliance with and satisfaction of the comments in the Bursich Associates letter of January 26, 2010
- b) An emergency access drive connecting Chestnut and Walnut Streets, satisfactory to the Pottstown Borough Fire Marshal
- c) Satisfying the requirements of the Pottstown Borough Authority and Public Works Director and timely obtaining the necessary permits and approvals from same
- d) Securing all outside agency permits prior to construction
- e) Agreement to improve portions of Walnut and Chestnut Street, milling and paving as noted on comment 3, page 8 of Bursich letter

Don Silverson was present representing The Hill School and agreed to the conditions as stated.

Motion carried: 7 ayes.

m. The Hill School East Faculty Village ó Motion by Councilor Weand, seconded by Councilor Gibson to grant the following waiver requests form the Storm Water Ordinance for The Hill School East Faculty Land Development Plan, under and subject to applicant receiving final plan approval:

- a) Section 403.A.1.2 ó location of stormwater basin
- b) Section 404.A-L ó requirement of minimum pipe size

Motion carried: 7 ayes.

n. Senate Bill 1228 ó Motion by Councilor Chomnuk, seconded by Councilor Weand to adopt a Resolution in support of Senate Bill 1228, requiring the Public Employee Retirement Commission to provide a regular analysis of Pennsylvania's Municipal Pension Plans.

#### RESOLUTION NO. 2010-4

#### RESOLUTION IN SUPPORT OF SENATE BILL 1228

WHEREAS, public sector pension plans in Pennsylvania and across the United States are now in a state of crisis; and

WHEREAS, for too long state legislatures have ignored the problem, failing to adequately examine the issue and take action to avert a crisis; and

WHEREAS, regular analysis of Pennsylvania's municipal pension plans and cost projections on a state-wide level would provide valuable information to both inform Pennsylvania lawmakers and compel them to address both the present and future cost of funding municipal pension plans; and

WHEREAS, Senate Bill 1228 provides that the Public Employee Retirement Commission shall perform this analysis and make its findings available to the legislature and the public.

March 8, 2010

NOW, THEREFORE, BE IT RESOLVED that the Pottstown Borough Council supports Senate Bill 1228 and urges its state elected officials, the Pennsylvania State Association of Boroughs, the Pennsylvania State Association of Township Supervisors and the Pennsylvania League of Cities and Municipalities to also lend their support.

ENACTED AND RESOLVED this 8th day of March, A. D., 2010.

Motion carried: 7 ayes.

o. HARB ó Motion by Councilor Allen, seconded by Councilor Chomnuk to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- a) 378 East High Street
- b) 433 East High Street
- c) 323 east High Street
- d) 884 East High Street
- e) 20 North Charlotte Street
- f) 69 North Charlotte Street
- g) One Security Plaza

Motion carried: 7 ayes.

p. HARB ó Motion by Councilor Rhoads, seconded by Councilor Allen to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the property located at 100 East High Street. Motion carried: 7 ayes.

#### REPORT OF BILLS

Motion by Councilor Weand, seconded by Councilor Gibson to pay the outstanding bills in the amount of \$1,080,405.37. Motion carried: 7 ayes.

q. Conditional Use ó 1143 High Street ó Motion by Councilor Kirkland, seconded by Councilor Gibson to approve the Conditional Use request of Dr. Niraj Patel to establish a Chiropractic & Wellness Center, at the property located at 1143 East High Street, with the condition that the applicant would comply with all other applicable ordinances and regulations and will take reasonable measures to provide patient parking in the front of the property and to designate parking in the rear of the property primarily for staff and physically handicapped individuals.

Motion carried: 6 ayes, 1 abstention. Councilor Weand abstained due to not being present for the entire hearing.

#### ANNOUNCEMENTS

Councilor Allen provided information for a Youth Support free spaghetti dinner at the Church at 28-30 North Washington.

Councilor Allen also commented that she would not acknowledge any anonymous letters.

March 8, 2010

Councilor Rhoads agreed, stating that this is the spinelessness seen in this town and which is keeping the town from moving forward. He added that this is the mentality or lack thereof, with which to deal.

Councilor Gibson also requested donations and volunteers for the April 17<sup>th</sup> Clean-up day.

Councilor Gibson also suggested to Mr. Marable to consider renaming Washington Street, which runs through the Borough lines, to Dr. Martin Luther King, Jr. Boulevard and this would not have to involve other townships or the State.

Mr. Marable commented that he would take this suggestion to his committee.

Councilor Weand questioned the fees for the various parades.

Mr. Bobst advised that the parade fees would be considered on an individual basis with the funding available and designated in the budget.

#### ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Submitted by,

Jason M. Bobst  
Borough Manager