

May 10, 2010

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, May 10, 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 Reverend Terry Hyland.

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 Gibson, seconded by Councilor Rhoads to approve the April 7, 2010 Committee of the Whole meeting minutes as presented. Motion carried: 7 ayes.
- b. Motion by Councilor Allen, seconded by Councilor Rhoads to approve the April 12, 2010 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

a. Sean Smith 342 Jefferson Avenue – expressed a concern regarding the recent changes to the traffic patterns at Lincoln and Jefferson Avenues. He noted the dangers of site distance and the inconvenience to the residents.

SUSPEND THE RULES

Motion by Councilor Chomnuk, seconded by Councilor Gibson to suspend the rules in order for Council to respond. Motion carried: 7 ayes.

- b. Fred Robinson, 337 Jefferson Avenue – reiterated the concerns regarding the reversal of the one-way streets with his main concern being his handicapped neighbor as he expressed to Council prior to the change. He cited numerous accidents since the new signs have been posted.
- c. Barry Beasley, 338 Jefferson Avenue – noted that his father is handicapped and the new traffic patterns created a hardship for him getting into the physical therapy van.
- d. Karen Hilbert, 339 Jefferson Avenue – advised that she could no longer allow her

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grandchildren to play in the alley due to the increased speeding traffic due to the change in the traffic pattern.

Councilor Weand reported that he, along with Manager Bobst, Councilor Rhoads, Doug Yerger and Corporal Boyce recently met at the site to hear the neighbors' concerns. Councilor Weand commented on the congestion at the intersections and the new safety concerns, along with the difficulty in making a left turn onto Charlotte Street. He added that the recommendation is to reverse the directions of Lincoln and Jefferson Avenues and prohibit a left turn onto Charlotte from Lincoln and consider posting a mirror at the intersection of Lincoln and Jefferson Avenues.

Councilor Rhoads also noted the increased traffic in the alleys and the danger of the intersections.

Mr. Bobst agreed to schedule a meeting with the Police Chief and Public Works Director in the near future to provide a recommendation to the Safety Committee and will provide a report at the June meeting.

e. Newstell Marable, 880 Cross Street – reported on the recent First Suburbs meeting, addressing concerns of older municipalities and advised all of the upcoming June 10th, 7:00 p.m. meeting that the Borough will be hosting at the Montgomery County Community College and requested Council's support.

Manager Bobst agreed to extend the invitation to Senator Rafferty and Representative Quigley.

MAYOR'S REPORT

Mayor Heath advised that next week is Law Enforcement Officers week with May 15th being Peace Officers Memorial Day and flags will fly at half-staff. She also provided the statistics of abandoned vehicle activity. The Mayor also reported on the recent drug arrests and summary warrant sweep, which netted \$15,000 in overdue fines. Mayor Heath noted that she met with the local ministerial pastors who are continuing to pray for the community.

BOROUGH MANAGER'S REPORT

Manager Bobst reported that he continues to finalize items with the bargaining agreements prior to negotiations. He also advised Council of notification of the Bureau of Aviation grant for \$200,000 for the rehabilitation of runway 826, which is Phase I, the safety area. This is the first step of the four-phase project for the runway expansion project, with Phase 2 being the engineering and Phase 3 and 4 being the construction of the extension, which is also part of the 12-year plan.

Mr. Bobst also reported on the mini-golf project, noting that the project is 1% short of the open space requirement and will be forwarded to the Infrastructure Committee for review and comments.

Manager Bobst informed Council that he attended the PSAB conference in Pittsburg attending several events throughout. He added that he would be working with Staff to provide changes to Ordinance 1944 and 2019 regarding rental licensing. He also reported on Workplace Awareness training and the CPR training. Mr. Bobst added that Council could opt to take the NIMS training on-line. He also

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noted that Darlene Winn will be the new representative from the Montgomery County Planning Commission and requested Council's input on the Comprehensive and Downtown Plans.

Mr. Bobst also reported that he had a meeting with the new Main Street Manager, Leighton Wildrick and expects him to attend next month's meeting and congratulated the Montgomery County Community College on the ribbon cutting ceremony held on this date for the opening of the new parking lot at 140 College Drive. He also confirmed the June 10th, 7:00 p.m. First Suburbs meeting to be held at the Montgomery County Community College to discuss fair housing, education finance and infrastructure for older municipalities.

COMMITTEE REPORTS

- a. Library – President Toroney noted that written reports would be forthcoming.
- b. Human Relations - Mayor Heath advised that the last meetings were introductory meetings.
- c. PDIDA - Mayor Heath reported that discussion took place regarding the homeless, loitering and unemployed persons in the downtown, along with skateboarders. She also reported on the First Saturday and downtown events.
- d. Cable – Mr. Bobst announced that the next meeting was changed from May 18th to May 17th.
- e. COG – Mr. Bobst noted that the next meeting is May 11th.
- f. EAC – President Toroney reviewed the report for an Air Quality permit with no concerns found and therefore no need for the Borough to comment.
- g. Regional Planning – President Toroney advised that a draft handbook was discussed and is being reviewed. He added that East Vincent removed itself from the Regional Planning Committee.
- h. Blighted Property Review – Councilor Weand referred to the March minutes. He added that District Justice Thomas Palladino was present at the April meeting and offered advise on liens.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Conditional Use, 587 West High Street – Motion by Councilor Kirkland, seconded by Councilor Weand to approve the Conditional Use Request of Dennis J. Widmann to operate an automotive repair station at property located at 587 West High Street, with conditions as stated in the order dated May 10, 2010.

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Motion carried: 6 ayes, 1 abstention. Councilor Allen abstained due her absence at the hearing.

b. Regional Intergovernmental Agreement – Motion by Councilor Chomnuk, seconded by Councilor Weand to adopt an Ordinance approving an amendment to the Pottstown Metropolitan Regional Intergovernmental Cooperative Implementation Agreement for Regional Planning, modifying the definition of “General Consistency”.

ORDINANCE NO. 2074

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPROVING AN AMENDMENT TO THE POTTSTOWN METROPOLITAN REGIONAL INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT FOR REGIONAL PLANNING

Motion carried: 7 ayes.

c. Sidewalk Ordinance – Motion by Councilor Rhoads, seconded by Councilor Allen to adopt an Ordinance amending Chapter 21, Streets & Sidewalks, establishing certain specifications to repair and replace sidewalk and amending Chapter 15, General Parking Regulations, clarifying Ordinance No. 2068, adopted December 14, 2009.

ORDINANCE NO. 2075

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING PART 2, SIDEWALKS, OF CHAPTER 21, STREETS AND SIDEWALKS TO ESTABLISH A NEW SECTION 228, SPECIFICATIONS FOR REPAIR AND/OR REPLACEMENT OF SIDEWALKS DAMAGED BY ADJACENT STREET TREES, TO ESTABLISH CERTAIN SPECIFICATIONS AND CONSTRUCTION STANDARDS TO REPAIR AND REPLACE SIDEWALKS THAT ARE DAMAGED BY STREET TREES WHEN USE OF ASPHALT/ BITUMINOUS CONCRETE IS SELECTED, AND AMENDING SECTION 402, GENERAL PARKING REGULATIONS, OF CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED

Motion carried: 7 ayes.

d. PART- Local Match – Motion by Councilor Gibson, seconded by Councilor Chomnuk to adopt a Resolution certifying the Local Match for State Operating Assistance for the Pottstown Area Rapid Transit System for fiscal year 2010-2011.

RESOLUTION NO. 2010- 14

LOCAL TRANSPORTATION ORGANIZATION RESOLUTION CERTIFYING THE LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE

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The Pottstown Borough Council of Pottstown Area Rapid Transit Inc. (PART) resolves and certifies that the operating financial assistance of \$938,506 provided pursuant to 74 Pa.C.S. §1513 is needed in Fiscal Year FY 2010-2011 or in a subsequent fiscal year to help pay for projected operating expenses, including asset maintenance costs; and that these funds will be used for this purpose only, because these funds are ineligible to be used for asset, or capital improvements projects; and that any funds not used this Fiscal Year will be retained and used only for operating assistance in a subsequent fiscal year(s).

Further, the Pottstown Borough Council resolves and certifies that the required local matching funds of \$60,773 will be secured from local contributors no later than the end of Fiscal Year FY 2010-2011 to match the requested Section 1513 funds.

I Stephen M. Toroney, President of the Pottstown Borough Council do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Pottstown Borough Council held the 10th day of May 2010.

Mr. Bobst confirmed that the local match is provided by the County on behalf of the Borough and the Pottsgroves with no cost to the Borough.

Motion carried: 7 ayes.

e. Montgomery County Consortium – Motion by Councilor Weand, seconded by Councilor Gibson to adopt a Resolution endorsing the Articles of Agreement of the Montgomery County Consortium of Communities, approving Amendment of Bylaws

RESOLUTION NO. 2010 – 12

A RESOLUTION ENDORSING THE ARTICLES OF AGREEMENT OF THE MONTGOMERY COUNTY CONSORTIUM OF COMMUNITIES

WHEREAS, the Montgomery County Consortium of Communities hereinafter referred to as “The Consortium” is a voluntary organization comprised of municipalities that meet on a regular basis to foster a cooperative approach to issues of mutual consent; and

WHEREAS, the Consortium seeks to utilize the total resources of all member communities to meet the challenges of the region and to develop recommendations for ratification and implementation by member local governments; and

WHERE, the Articles of Agreement had previously been approved to formalize the organization of the Montgomery County Consortium of Communities and its purpose and have now been amended to reflect the current organization’s procedures.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Pottstown hereby endorses the amended Articles of Agreement.

ENACTED AND RESOLVED THIS 10th DAY OF May, A. D. 2010.

Motion carried: 7 ayes.

f. Resolution/Fred Beans Dealerships – Motion by Councilor Weand, seconded by Councilor Chomnuk to adopt a Resolution authorizing Charles E. Bleile, Police Department Administrative Manager, to act on behalf of the Borough of Pottstown in any business with Fred Beans Family of Dealerships.

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RESOLUTION NO. 2010 – 13
RESOLUTION OF THE BOROUGH COUNCIL

I, the undersigned, (Assistant) Secretary of the Borough Council of the Borough of Pottstown (the “Corporation”), do hereby certify to Fred Beans Family of Dealerships/New Holland Auto Group that: (1) as of this date, the following persons are duly-elected or appointed and acting officers or employees of the Corporation holding the office or position set forth opposite his or her name, and (2) the following persons are empowered to act for and on behalf of the Corporation in any of its business with Fred Beans Family of Dealerships/New Holland Auto Group and sign and necessary documentation.

The signature set forth opposite his or her name is a true specimen signature

Charles E. Bleile Police Department Administrative Manager.

Mr. Bobst explained the need to have an authorized individual from the Police Department to act as an agent in transferring titles of police vehicles.

Motion carried: 7 ayes.

g. Walmart Land Development Plan – Motion by Councilor Rhoads, seconded by Councilor Allen to grant applicant’s request to extend the terms and conditions of the final plan approval of the Walmart Land Development Plan until August 31, 2010.

Solicitor Garner confirmed that this is simply a delay to finalize any issues with tenants of the adjacent properties and Walmart does intent to build the expansion.

Motion carried: 7 ayes.

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

- a) 642-644 East High Street
- b) 57 North Franklin Street
- c) 234 King Street
- d) 337 King Street
- e) 1116 High Street
- f) 824 High Street
- g) 884 High Street
- h) 265 King Street
- i) 261 Chestnut Street
- j) 100 East High Street
- k) 524 High Street

Motion carried: 7 ayes.

President Toroney advised that the appointment to the Historic Architectural Review Board would be tabled until the June meeting in order for the Solicitor to verify member requirements.

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REPORT OF BILLS

Motion by Councilor Weand, seconded by Councilor Allen to pay the outstanding bills in the amount of \$2,646,832.38.

ADJOURNMENT

The meeting adjourned at 7:55 p.m. on motion by Councilor Weand, seconded by Councilor Rhoads.

Submitted by,

Jason M. Bobst
Borough Manager