

June 14, 2010

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, June 14, 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 Mayor Heath.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were 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. Councilors Gibson and Allen were absent.

APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Rhoads to approve the May 10, 2010 Council meeting minutes as presented. Motion carried: 5 ayes.

PUBLIC HEARING – 2010 EDWARD BYRNE MEMORIAL JUSTICE GRANT

Solicitor Garner opened a public hearing regarding the Police Department's application to the Edward Byrne Memorial Justice Assistance Grant in the amount of \$29,278 with no match. The funds are appropriated for an HP Rack Mounted Sequel server, HP mobile workstation notebook and other Quality of Life initiatives. He added that the Borough would continue to accept written comments for the next 30 days.

There was no public comment and the hearing closed at 7:05 p.m.

COMMENTS FROM CITIZENS PRESENT

- a. Mike Yannessa, 346 Jefferson Avenue – expressed a concern regarding the proposed changes to Jefferson Avenue and Charlotte Street due to the adverse effects of his business, Wheels in Motion.
- b. Gary Pace, 256 North York Street – presented a check in the amount of \$1,000 on behalf of the Pottstown Classics Car Club towards Police coverage for the Independence Day events.
- c. Helen Mackewicz, 73 North Evans Street – questioned why the Borough pays people to parade and perform during the Independence Day festivities. She added that the committee should be seeking volunteers.

June 14, 2010

d. Don Read, 810 Spruce Street – referred to his letter regarding the suggestions relating to the upcoming trash contract and requested its consideration within the next few months.

President Toroney suggested that Mr. Read volunteer to participate on this committee.

e. Sean Smith 342 Jefferson Avenue – spoke on behalf of the residents and businesses in the area of Lincoln and Jefferson Avenues and the directions from Charlotte Street and requested Council's consideration in revisiting this matter.

MAYOR'S REPORT

Mayor Heath provided the statistics for April and advised that the report is available on the website. The Mayor urged all to contribute to the Independence Day events.

BOROUGH MANAGER'S REPORT

Manager Bobst reported that the Federal Transit Administration Triennial Review of the transit system is finalized and Staff is working on the response of the findings, which is due by September and will be provided to Council. He also reported that a meeting was held with the developers of the Mrs. Smith's commercial site and a response from the banking officials is forthcoming. Mr. Bobst also noted that Finance Department is working with Dallas Data for upgrades to the system and the Public Works Department is addressing various issues with trash pickup, adding that if an item is not picked up, an informational sticker will be placed on the item. Mr. Bobst also announced that a meeting would be scheduled for final revisions to the MOU. He also provided an update on various ongoing projects.

Mr. Bobst requested dialogue and comments on the recent recommendations to the Rental Licensing Ordinance. He added that negotiations with the PPOA will begin in July and the demolition has begun on the former Creative Health building in anticipation of the new AutoZone development.

COMMITTEE REPORTS

- a. Library – The minutes were distributed in the packets.
- b. Human Relations - Mayor Heath advised that the minutes were distributed and requested that a presentation by listed for July for recognition of the Diversity Program.
- c. PDIDA - There was no report.
- d. Cable – There was no meeting.
- e. COG – The next meeting is September 14th.
- f. EAC – There was no report.
- g. Regional Planning – President Toroney reported that a presentation was made on alternative energy, such as windmills and geothermal units. He added that the grant is progressing for the fiscal analysis, \$100, 000 of which was provided by the dissolvent of the Airport hangar project.

June 14, 2010

h. Blighted Property Review – Councilor Weand advised that the next meeting, scheduled for June 24th will be a joint meeting with the Planning Commission for a bus tour.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. JAG Grant – Motion by Councilor Weand, seconded by Councilor Rhoads to adopt a Resolution authorizing a Memorandum of Understanding with Norristown Borough and Cheltenham Township for the submission of a grant application for the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$29,278, to be utilized for technology upgrades and programs to enhance Quality of Life issues and to initiate the thirty (30) day open comment period.

RESOLUTION NO. 2010 – 15

RESOLUTION OF POTTSTOWN BOROUGH COUNCIL MEMORANDUM OF UNDERSTANDING FOR 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM APPLICATION

WHEREAS, the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has approved the submission of a joint application from the Municipality of Norristown, Cheltenham Township, and Pottstown Borough for the 2010 Edward Byrne Memorial Justice Assistance Grant Funds contingent on a Memorandum of Understanding as Exhibit “A.”

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

1. The Borough of Pottstown hereby honors the request of the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance as outlined in the Memorandum of Understanding (MOU) for the 2010 Edward Byrne Memorial Justice Assistance Grant Application, designating the Municipality of Norristown as the applicant/fiscal agent for the allocation of the joint funds. The MOU is attached to the grant application as Exhibit “A.”

RESOLVED, ENACTED AND APPROVED BY THE Burgess and Town Council of the Pottstown Borough this 14th day of June 2010.

Chief Flanders confirmed there is no match required for this grant.

Motion carried: 5 ayes.

b. Master Traffic Ordinance – Motion by Councilor Weand, seconded by Councilor Kirkland to authorize the Solicitor to prepare and advertise an ordinance amending the Master Traffic Ordinance addressing changes to Lincoln Avenue and Jefferson Avenue traffic patterns.

Mr. Bobst explained the suggestions made by the Police Department and Public Works and referred to the map presented at the June 9th Committee of the Whole meeting.

June 14, 2010

Chief Flanders reiterated that the main concern is safety for this area and would need to review the current recommendations.

After a brief discussion, Council Weand moved to table this matter until the July meeting and Councilor Chomnuk seconded the motion.

President Toroney requested a roll call vote.

Chomnuk	yes	Weand	yes
Kirkland	yes	Toroney	yes
Rhoads	yes		

Motion carried: 5 ayes.

c. South Street – Motion by Councilor Weand, seconded by Councilor Chomnuk to authorize Staff to proceed with the closure of South Street from rear entrance of the Roller Mills Apartments to College Drive.

Mr. Bobst advised that Staff would negotiate with PECO to assure its access ability.

Motion carried: 5 ayes.

d. Chapter 5 Ordinance Amendment – Motion by Councilor Weand, seconded by Councilor Chomnuk to authorize the Solicitor to prepare and advertise an ordinance amending Chapter 5, of the Code of Ordinances, as recommended by Fire Chief Richard Lengel.

Solicitor Garner explained that this would only eliminate the testing for HVAC technicians.

Motion carried: 5 ayes.

e. Emergency Operations Plan – Motion by Councilor Weand, seconded by Councilor Chomnuk to adopt a Resolution adopting and approving changes to the Emergency Operations Plan of Pottstown Borough.

RESOLUTION NO. 2010 - 16

THIS RESOLUTION approved and adopted by the elected officials of Pottstown Borough, Montgomery County, Pennsylvania, on the date hereinafter set forth.

WITNESS TO:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C. S. Section 7101 et seq. mandates that municipalities prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this municipality; and

WHEREAS, in response to the mandate stated above, this municipality has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

June 14, 2010

WHEREAS, this municipality has also prepared an emergency operations plan in order to reduce the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this municipality.

NOW, THEREFORE, we the undersigned elected officials of Pottstown Borough do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Pottstown Borough. This Plan shall be reviewed every two years to make certain that it conforms to, the requirements of the Montgomery County Emergency Operations Guideline.

Enacted and resolved this 14th day of June 2010.

Motion carried: 5 ayes.

f. Stormwater Regulatory – Motion by Councilor Rhoads, seconded by Councilor Weand to adopt a Resolution authorizing the participation with Southeastern Pennsylvania municipalities for legal, engineering and legislative services for Stormwater regulatory support, for an amount not to exceed \$2,200.

RESOLUTION NO. 2010 – 17

A RESOLUTION TO AUTHORIZE THE PARTICIPATION ALONG WITH OTHER SOUTHEASTERN PENNSYLVANIA MUNICIPALITIES FOR LEGAL, ENGINEERING AND LEGISLATIVE SERVICES FOR STORM WATER REGULATORY SUPPORT

WHEREAS, First Class Townships, Second Class Townships and Boroughs, when not inconsistent with state or federal law, are authorized to oversee and regulate trade, commerce and the use of public streets, ways and property within their jurisdictions; and

WHEREAS, the First Class Township, Second Class township and Borough Codes, as well as the provisions of Pennsylvania's Intergovernmental Cooperation Law, provide for intergovernmental cooperation between and among municipalities in the exercise of performance of their respective governmental functions, powers, and responsibilities and authorize joint agreements as may be deemed appropriate for such purposes; and

WHEREAS, the Participating Municipalities in the Montgomery County Consortium of Communities have determined that it is in the best interest of their residents to cooperate in obtaining legal, engineering and legislative services to assist them in assessing the legal and regulatory impacts and implications of the proposed new MS4 permit (PAG – 13) and the associated state generated model storm water management ordinance; and

WHEREAS, the Participating Municipalities hereby agree and commit to share on a pro-rata (population) basis, based on population, the total sum of \$100,000 in projected costs for all legal, engineering and legislative services needed to coordinate their comments regarding the impacts of these programs upon their communities to the Pennsylvania Department of Environmental Protection and their elected officials as appropriate, in the best interests of their residents.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Pottstown desires to authorize its participation with other Southeastern Pennsylvania municipalities for obtaining the above-referenced legal, engineering and legislative services for a pro-rata shared basis of \$100,000, with a cost to the Borough in an amount not to exceed \$2,200.

ENACTED AND RESOLVED this 14th day of June A.D., 2010.

Motion carried: 5 ayes.

June 14, 2010

g. PART – Motion by Councilor Weand, seconded by Councilor Chomnuk to approve the annual Operation Agreement between Pottstown Borough and Pottstown Area Rapid Transit. Motion carried: 5 ayes.

h. Carousel at Pottstown – Motion by Councilor Chomnuk to approve the First Amendment to the Lease Agreement between Pottstown Borough and the Carousel at Pottstown, Inc., as presented. There was no second to the motion and the motion died.

i. Carousel at Pottstown – Motion by Councilor Kirkland, seconded by Councilor Weand to approve the First Amendment to the Lease Agreement between Pottstown Borough and the Carousel at Pottstown, Inc., as modified.

Solicitor Garner commented that the only issue was that of timing of dealing with maintenance operations, with this change being the responsibility of the Carousel beginning October 10, 2010.

President Toroney requested a roll-call vote.

Chomnuk	no	Weand	yes
Kirkland	yes	Toroney	no
Rhoads	yes		

Motion carried: 3 ayes, 2 nays.

j. House Bills – Assessments – Motion by Councilor Weand, seconded by Councilor Kirkland to authorize the borough Manager to correspond with Local Legislators on behalf of Borough Council, in opposition of House Bills 2020, 2022 and 2023 regarding assessment appeals.

President Toroney requested that the correspondence be forwarded to the authors of the bills and to all local legislators.

Motion carried: 5 ayes.

k. 43-44 Hemlock Row – Motion by Councilor Weand, seconded by Councilor Rhoads to authorize the Solicitor to prepare the necessary documents for the conveyance of the properties located at 43-44 Hemlock Row as recommended by the Excess Property Committee.

President Toroney advised that these small plots being addressed by the Committee are of no value to the Borough.

Motion carried: 5 ayes.

l. Independence Day – Waiver of Fees – Motion by Councilor Rhoads, seconded by Councilor Chomnuk to consider the request of the Independence Day LTD Committee for a waiver of all costs and fees, except the police coverage for the Independence Day Parade.

June 14, 2010

Mr. Bobst explained that the request is to waive the hourly rates for the departments. The main cost is for manning the intersections during the fireworks and for security during the events, which is approximately \$4,900. The parade fees are \$4,200. Mr. Bobst added that Council waived \$990 for the Memorial Day Parade, which was the coverage for the parade itself. The total cost of the Memorial Day Parade with police overtime for debriefing was approximately \$2,600.

Chief Flanders explained the obligation and responsibility of the municipality for safety and security for any event allowed in the Borough.

Mr. Bobst also advised a contribution of \$350 was made to the Independence Day Committee and that as part of the budget process, the Committee was aware that no fees would be waived in 2010.

President Toroney requested a roll call vote.

Chomnuk	no	Weand	no
Kirkland	no	Toroney	no
Rhoads	yes		

Motion denied: 4 nays, 1 aye.

m. Zoning – 67 King Street – Motion by Councilor Weand, seconded by Councilor Chomnuk to authorize Councilor Maureen Allen to appear before the Zoning Hearing Board and represent Council in opposition of the zoning application of Dwayne Yeakel, 67 King Street. Motion carried: 5 ayes.

n. Cable Communications – Motion by Councilor Chomnuk, seconded by Councilor Weand to reappoint Nathan Rosenthal to the Cable Communications Commission for a three-year term to expire June 1, 2013.

Mr. Rosenthal was present to explain his interest and accepted the appointment.

Motion carried: 5 ayes.

o. HARB Appointment – Motion by Councilor Chomnuk, seconded by Councilor Rhoads to appoint Stephanie Stranick to the Historic Architectural Review Board to fill a vacant term to expire April 1, 2013.

Solicitor Garner commented that the applicant would meet the requirement with a Real Estate license.

Motion carried: 5 ayes.

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

- a) 168 North Hanover Street
- b) 61 North Charlotte Street
- c) 258 Beech Street

June 14, 2010

- d) 546 High Street
- e) 517 High Street
- f) 131 King Street
- g) 1143 East High Street
- h) 455 King Street
- i) 16 North York Street
- j) 63 King Street

Motion carried: 5 ayes.

q. HARB – Motion by Councilor Chomnuk, seconded by Councilor Rhoads to ratify the action of the building Permit Officer approving Certificates of Appropriateness for the following properties:

- a) 1134 East High Street
- b) 444 King Street

Motion carried: 5 ayes.

REPORT OF BILLS

Motion by Councilor Weand, seconded by Councilor Rhoads to pay the outstanding bills in the amount of \$2,499,282.60. Motion carried: 5 ayes.

ANNOUNCEMENTS

Councilor Weand thanked the Car Club for its contribution and urged others to do the same.

Councilor Chomnuk reminded all of the upcoming Soap Box Derby, June 19th, 8:00 a.m. on Wilson Street.

Mayor Health suggested that any of the surrounding municipalities are welcome to contribute to the July 4th events and urged residents to consider fund raising events.

President Toroney requested Council to review the draft amendment to the Sidewalk Ordinance for the July meeting and provide comments.

ADJOURNMENT

The meeting adjourned at 8:15 p.m. on motion by Councilor Weand.
Submitted by,

Jason M. Bobst
Borough Manager