

July 8, 2009

COMMITTEE OF THE WHOLE MEETING

The July 8, 2009 Committee of the Whole meeting was called to order at 7:00 p.m. by President Garner in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, PA.

ATTENDANCE

Councilors present were Mark Gibson, Maureen Allen, Michael Wenzel, Stephen Toroney, Jody Rhoads and David Garner. Also present were Mayor Sharon Thomas, Solicitor Charles Garner, Acting Borough Manager Jason Bobst and Borough Secretary Virginia Takach. Vice President Berry was absent.

REORGANIZATION

President Garner advised that as directed at the June 8, 2009 Council meeting, the first order of business would be the Reorganization of Council.

Solicitor Garner explained the reorganization process and suggested an acceptable order of the motions would be to accept all nominations for each position and then call for the vote. He added that the current President would run the meeting until a new President is selected.

It was the consensus of the Council to accept public comment prior to the voting.

PUBLIC COMMENT

- a. Bonnie Heath, Feist Avenue – commented that the turmoil is very upsetting especially at budget time and suggested a quick resolution to moving forward with a unified Council.
- b. Cliff Buckwalter, 342 West King Street – questioned if reorganizing is a sensible thing to do or just a changing of chairs.
- c. Don Read, 810 Spruce Street – spoke in support of President Garner and his leadership skills and suggested that those who may be in the leadership positions should be ready to carry out the issues at hand.

REORGANIZATION

- a. President – Councilor Rhoads nominated Councilor Toroney as President.

Councilor Toroney accepted the nomination and there were no other nominations.

Allen	yes	Toroney	yes
Gibson	yes	Wenzel	yes
Rhoads	yes	Garner	yes

Motion carried: 6 ayes.

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- b. Vice President – Councilor Allen nominated Councilor Gibson for Vice President.

Councilor Gibson accepted the nomination and there were no other nominations.

Allen	yes	Toroney	yes
Gibson	yes	Wenzel	yes
Rhoads	yes	Garner	yes

Motion carried: 6 ayes.

- c. Secretary – Councilor Wenzel nominated Virginia Takach as Secretary. There were no other nominations.

Allen	yes	Toroney	yes
Gibson	yes	Wenzel	yes
Rhoads	yes	Garner	yes

Motion carried: 6 ayes.

- d. Treasurer – Councilor Wenzel nominated Janice Lee as Treasurer. There were no other nominations.

Allen	yes	Toroney	yes
Gibson	yes	Wenzel	yes
Rhoads	yes	Garner	yes

Motion carried: 6 ayes.

President Toroney assumed the Chair and expressed appreciation for being appointed as President and to former President Garner and former Vice President Berry for their services.

Mayor Thomas commented that this body exhibits its show of confidence of bipartisan leadership.

COMMITTEE REPORTS

- a. Finance – Councilor Garner reported that a training program would be implemented within the Finance Department. He added that the Act 32 appointment would be discussed on the agenda. Mr. Garner also advised that the [CyberCollect](#) program has been implemented for the collection of bad checks. The capital loan process is secured. Councilor Garner also reported that a budget reconciliation should be available for August along with an Audit presentation.

Councilor Rhoads read a list of unsolved payroll issues and noted that last month Council was informed that the problems were resolved. He added that the firm, Paychex, replaced Borough employees in January.

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Mr. Bobst advised that Staff is aware of the problems with the Paychex system tracking vacation and sick time. He added that Staff is investigating other payroll options.

b. Safety & Fire – Councilor Gibson thanked all involved with the response of the recent storm damaging trees and wires.

c. Parking – Councilor Gibson referred to a handicap request for 456 North Franklin Street, which will be addressed at the next meeting. He also requested at the recommendation of the Parking Committee to conduct traffic studies at Chestnut and Washington Streets and King and Warren Streets.

This will be listed for consideration on Monday's agenda.

d. Airport – Mr. Bobst reported that the Airport hangar project was discussed along with the runway lighting and vault project, which should be bid in August.

e. Parks & Recreation – Mayor Thomas thanked all for their efforts for the successful July 4th events.

f. Trash – President Toroney reported that the trash tonnage continues to drop and the recycling increases. He also noted that an ad would be posted the Sunday prior to the yard waste pick-ups.

g. Economic Development Work Force Team – Councilor Garner referred to the Montgomery County Planning Commission audit dated 1988. He added that the Commission is seeking input on this plan. He also requested that Council take action on endorsing a Strategic Visioning process, along with updating the Downtown Comprehensive Plan of 1994. Mr. Garner also advised of a session to introduce the County Economic Development Director scheduled for July 15th. He added that on July 22nd a meeting is scheduled for Borough representatives with the County's Economic Development Director. Councilor Garner also mentioned a meeting scheduled for July 22nd with the TriCounty Chamber and Health and Wellness foundation and the 10,000 Friends of PA, which may be rescheduled due to the conflict. He added that the Pottstown Cultural Alliance is in the process of scheduling a trolley tour with the County's new Economic Development Director. Councilor Garner noted that no one has yet been selected to serve on these committees.

President Toroney noted that these items would be listed for approval on the regular agenda. He added that appointees to represent the Borough on these matters are Dan Weand, Tom Hylton from the Planning Commission and Councilors Garner, Berry and himself along with Staff members Jason Bobst and Erica Weekley.

h. Ricketts Community Center – Dr. James Smith, COO for the Olivet Boys & Girls Club was present and highlighted the successfully events of the programs. He reviewed the field trips and camping events offered through the Club. He also noted that the Pottstown Area Health and Wellness Foundations has awarded the Club a grant to support health programs for adults and youth.

i. Pottstown Borough Authority – Mr. Read was present and referred to the report distributed in the packets.

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President Toroney announced that the Codes Committee would begin to meet at the previously scheduled time, the third Thursday of the month at 3:30 p.m.

PROCLAMATION – JIM SMALE, MUSICIAN

Mayor Thomas presented a proclamation to 1952 Pottstown High School Graduate Jim Smale (deceased), in the presence of his sister and brother-in-law Joan and Bob Ferraro along with former class mate, Dick Powell. Mr. Smale was a musician with the Glenn Miller Orchestra. Mr. Powell encouraged all to attend the upcoming event on August 1st at Sunnybrook.

PRESENTATION – PMMC ONCOLOGY DEPARTMENT

Dr. Jeffrey Stevens and Peggy Neese, RN, were present to provide information and services available at the Pottstown Memorial Regional Cancer Center. Dr. Stevens reviewed the programs and treatments provided as an affiliate of Fox Chase Cancer Center. Ms. Neese advised that PMRC is accredited by the American College of Surgeons as a Community Comprehensive Cancer Program, receiving the Outstanding Achievement Award and the American College of Radiation Oncology.

CAROUSEL OF FLAVOR

Mr. Bobst explained the request of the Carousel of Pottstown to conduct its annual Carousel of Flavor on Sunday, October 4th.

President Toroney advised that this would be listed for consideration on the regular agenda.

EARLY INTERVENTION PROGRAM UPDATE

Mr. Bobst advised that the Staff is prepared to address the Action Plan submitted by Management Partners to implement a timely program of the plan with its recommendations. He added that a review of job descriptions, health care costs and training are presently being reviewed. Mr. Bobst also advised that a clarifying document regarding the report is being compiled and will be provided to Council along with a monthly update.

It was the consensus of Council to schedule a special meeting for August 19th, 6:00 p.m. for presentations by Department Heads.

POLICE DEPARTMENT PROMOTIONS

Chief Flanders advised that with the retirement of Sergeant Havrilak, he is recommending the promotion of Detective Corporal Brian Rathgeb to the rank of Sergeant and the promotion of Detective Edward Kropp, Sr. to the rank of Corporal. Chief Flanders also requested authorization to move forward with the hiring of the next candidate on the Civil Service eligibility list. The Chief also advised that the Department would not be eligible for stimulus money because it is currently being funded by another grant.

These items will be listed for the Monday agenda.

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CIVIL SERVICE COMMISSION

President Toroney referred to a letter from Vincent Artis, current member of the Civil Service Commission, seeking reappointment. He added that no other requests were received and this would be listed for consideration on the regular agenda.

UPDATE VACANCIES – AUGUST 2009

Mr. Bobst noted that two appointments would be vacant in August for the Environmental Advisory Council and two on the Codes Board of Appeals.

APPOINTMENT ACT 32

Mr. Bobst explained the requirement to appoint delegates to the Tax Collection Committee with respect to Act 32. The recommendation of Staff is to appoint Janice Lee, Finance Director as delegate and Barbara Toroney, Tax Collector as first alternate. A resolution will be prepared for consideration on Monday's agenda.

WATERSHED PLAN ADVISORY COMMITTEE – ACT 167

Solicitor Garner explained the request of the Berks County Planning Commission to appoint a representative to sit on the Watershed Plan Advisory Committee (WPAC) as part of the Act 167 Stormwater Management Plan for the Manatawny Creek Watershed. He added that Doug Dilliplane, Bursich Associates Engineer, has volunteered and requested appointment on that Committee.

POLICE PENSION AMENDMENT

Solicitor Garner requested authorization to draft an amendment to the Police Pension Ordinance to be consistent with existing benefits.

President Toroney advised that this would be listed for consideration on Monday's agenda.

TRASH ORDINANCE

Solicitor Garner advised that the Acting Borough Manager and Public Works Director has been actively working on addressing the comprehensive trash ordinance update. He requested that if the Councilors had any issues to address to forward them to Mr. Bobst.

SHADE TREE ORDINANCE UPDATE

Solicitor Garner provided an update of the latest draft of the changes to the Shade Tree Ordinance to include minor amendments and a policy. Mr. Garner added that also listed on the agenda is a discussion for Fees in Lieu of Policy, which may be associated with the shade trees.

Councilor Rhoads read a letter from a resident of Center Avenue wherein the resident advised that he received a letter from the Chairman of the Shade Tree Commission. The resident

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informed Mr. Rhoads that he was not the owner of the property in question. Mr. Rhoads commented that there is too much confusion and controversy with respect to the trees and the tree commission. He also stated that due to the numerous complaints and financial strain on residents he recommended to eliminate the Shade Tree Commission.

Solicitor Garner commented that it is the task of the Commission to advise and inform residents of tree issues. He added that if the Council desires a change in policy, the Ordinance should be changed and since the Commission was created by ordinance of Council, Council can disband it.

Tom Hylton, Chairman of the Shade Tree Commission, advised that he spoke with the resident and apologized to him for the erroneous letter based on information he received from the County website. He also advised that every correspondence, minutes and money spent is listed on the Trees, Inc. website.

After a brief discussion, it was the consensus of Council to request that the Shade Tree Chairman schedule a meeting. It was also decided that any correspondence should be made aware to the Acting Borough Manager.

MAPLEWOOD VIDEO AGREEMENT UPDATE

Solicitor Garner advised that a meeting took place with Maplewood to discuss the draft agreement. He added that additional information should be available for the August meeting.

VERIZON

Solicitor Garner also reported that he anticipates a presentation from Verizon in the near future.

MUNICIPAL RETENTION SCHEDULE

Solicitor Garner referred to a draft resolution to authorize the adoption of the Commonwealth's Retention Schedule dated December 18, 2008.

Solicitor Garner also recommended consideration of an additional resolution for destruction of outdated records associated with the Finance, Police, Fire and Codes Departments and in compliance with the Municipal Retention Schedule.

President Toroney advised that these resolutions would be listed for consideration on the regular agenda.

PLANNING

Miniature Golf Course - Solicitor Garner reviewed the request of the Parks and Recreation Department for a waiver of land development. He advised that the Planning Commission has recommended allowing the plan to move forward through the review process of the Building Permit Officer and the Planning Commission Engineer. This would waive the normal land development process.

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President Toroney noted that this would be listed for approval on Monday's agenda.

POTTSTOWN MUNICIPAL AIRPORT HANGAR CONSTRUCTION UPDATE

Mr. Bobst provided an update on the Airport Hangar project. He advised that the committee is investigating potential funding through the PA Infrastructure Bank. Mr. Bobst added that the borrowing would be approximately \$825,000 to complete the \$1.3 million for the project and the application process is pending, which would come before Council for final approval. He added that this would be at no cost to the taxpayers.

GOOD SCHOOL PA

Mr. Bobst advised that David Forrest, Norristown Municipal Administrator and former Assistant Borough Manager for Pottstown, has requested to make a presentation before Council at the regular meeting regarding the Good School PA with reference to the proposed budget cuts for the 2009-2010 fiscal year, which proposes a decrease to the 2006 levels in funding for all school districts in the Commonwealth.

This will be listed on the regular agenda.

HARB

Acting Manager Bobst explained the recommendation of HARB for approval of Certificates of Appropriateness for the following properties:

- a. 717 High Street – for construction of security guard house
- b. 601 East High Street – to replace three sign panels
- c. 40½ King Street – to replace windows
- d. 158 North Hanover Street – for replacement of front steps
- e. 160 North Hanover Street – for replacement of front steps
- f. 384 High Street – for business sign
- g. 255 High Street – to remove and replace sign panels
- h. 344 King Street – to remove and replace shingles
- i. 131 King Street – to replace slate shingles
- j. 261 High Street – for approval of elevations

Mr. Bobst also explained the recommendation of HARB to ratify the application administratively approved for the property located at 360 King Street.

FEE IN LIEU OF POLICY

Mr. Bobst explained that a policy is lacking for fees received in lieu of open space or street trees and Staff is seeking guidelines on this matter. Presently these funds are entered into the General Fund. Mr. Bobst agreed to provide a draft policy by the next meeting.

Solicitor Garner added that these are not large dollar amounts.

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COUNCILORS' GENERAL DISCUSSION

Councilor Garner commented that he hoped that Council would be problem solvers and not create problems. He added that he supports the new organization of Council in hopes of moving forward.

Councilor Rhoads noted that he also would like to see Council work together and suggested keeping the seating arrangement, as it should be.

Councilor Gibson agreed that his intention is to work together for the betterment of the residents. He also reported on the graffiti problem throughout the Borough and requested assistance from the public.

Mayor Thomas thanked Councilor Garner for his leadership and also reported that a meeting is scheduled for July 28th, 7:00 p.m., Council Meeting room, on the Mayor's Initiative and to discuss the topic of identity theft.

President Toroney commended the Mercury's recent editorial stating that leadership must be embraced if Pottstown is to move forward.

EXECUTIVE SESSION

President Toroney adjourned the meeting to executive session at 9:30 p.m. for one item of personnel, one pending litigation and two items of litigation.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Attested,

Jason M. Bobst
Acting Borough Manager