

December 12, 2011

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, December 12, 2011 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

President Toroney requested a moment of silence.

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 Solicitor Charles Garner, Borough Manager Jason Bobst, Mayor Bonnie Heath and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

- a. Motion by Councilor Rhoads, seconded by Councilor Chomnuk to approve the November 14, 2011 Council meeting minutes. Motion carried: 7 ayes.
- b. Motion by Councilor Weand, seconded by Councilor Rhoads to approve the November 28, 2011 Special Budget Meeting minutes. Motion carried: 6 ayes, 1 abstention. Council Allen abstained from voting due to her absence at the meeting.

ADD-ON

President Toroney advised that a Resolution honoring outgoing Councilor Maureen Allen would be added to the agenda. He also noted that #13 on the agenda would be corrected to read "Gospel Riders".

COMMENTS FROM CITIZENS PRESENT

- a. Dawn Varady, 7 West 2nd Street – suggested to Council that the homeless situation and the Blighted Property Review Committee join efforts in providing shelter and facilities for the homeless.

MAYOR'S REPORT

Mayor Heath advised that the Police Department is addressing and enforcing the Camping Ordinance and providing alternatives to the homeless. She also acknowledged area groups providing assistance, along with new businesses opening in the Borough.

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BOROUGH MANAGER'S REPORT

Manager Bobst provided an update on the Creative Montco project for Montgomery County Arts and Cultural Alliance project, the Owner Occupied program, the Downtown Business Incentive program and the Memorial Park project. Mr. Bobst also advised that an RFP for Borough Engineering is posted along with the RFP for Engineering on the Safe Routes to School project.

Mr. Bobst reported that the final inspection for the High Street Bridge is scheduled for December 16th with an expected opening shortly afterwards. He also advised that he met with Laurel Street residents for a resolution to the drainage problems in the area. Mr. Bobst reported that the BMX Trilogy Park event would be coordinating efforts with area entities to maintain the national race.

Mr. Bobst publicly acknowledged Janice Lee, Finance Director and the Department Managers for their efforts in preparing the 2012 budget.

Mr. Bobst also reported that the Reconnections project is in the bidding process and scheduled for January 2012.

COMMITTEE REPORTS

- a. Library – There was no report.
- b. Human Relations - There was no report.
- c. PDIDA – Mr. Bobst reported on the tree lighting and upcoming events in the downtown and again acknowledged the Pottstown Classics Car Club for its donation for a tree and decorations.
- d. Cable – There was no meeting in November.
- e. COG – Councilor Chomnuk advised that the November meeting was cancelled and the next meeting is scheduled for January.
- f. EAC – The draft minutes were provided in the packets.
- g. Regional Planning – President Toroney advised that a discussion regarding the elimination of the Montgomery County Planning Commission took place. He added that he was directed as Chairman to send comments to the Commissioners regarding the concerns of the Regional Planning Committee.
- h. Blighted Property Review – Councilor Weand advised that there was no meeting in November and the December meeting is also cancelled.

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UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Pottstown Fire Department – Motion by Councilor Rhoads, seconded by Councilor Weand to adopt a Resolution honoring the Pottstown Fire Department.

RESOLUTION NO. 2011 – 22

A RESOLUTION HONORING THE POTTSTOWN FIRE DEPARTMENT

WHEREAS, the Pottstown Fire Department is represented by four companies, Good Will Steam Fire Engine Company, Philadelphia Steam Fire Engine Company, Empire Hook & Ladder Company and the North End Fire Company; and

WHEREAS, the Borough of Pottstown wishes to acknowledge and honor the Pottstown Fire Department for its continuous efforts to fight fires, prevent loss of property and most importantly save lives; and

WHEREAS, under the skilled and devoted leadership of Fire Chief Richard C. Lengel, these brave and valiant firefighters continuously and without hesitation place their lives on the line for the 22,000 residents of the Borough of Pottstown, along with providing assistance to surrounding communities 24 hours a day, 365 days a year; and

WHEREAS, the Mayor, Pottstown Borough Council and its constituents express gratitude and publicly acknowledge these individuals for accepting the responsibility for the preservation of life and property in the Borough of Pottstown.

ENACTED AND RESOLVED by the Pottstown Borough Council in a public meeting this 12th day of December, A.D. 2011.

Mayor Heath presented the Resolution to Good Will Chief Kevin Yerger, North End Fire Chief Marty Durchin, Phillies Fire Chief Joe Groff and Empire Chief Don Gebhard in the presence of Fire Chief Richard Lengel. Chief Lengel also introduced the Fire Department members in attendance.

Motion carried: 6 ayes, 1 abstention. Councilor Gibson abstained from voting.

b. Conditional Use – 262 King Street – Motion by Councilor Weand, seconded by Councilor Gibson to approve the Conditional Use request of Pamela Spellman, to operate a daycare center on the ground floor of the property located at 262 King Street a/k/a 272 King Street with conditions as stated in the order dated December 12, 2011.

Councilor Garner referred to the revised order of December 12th and reviewed the six conditions. He added that the parking spaces required would be approximately 15 spaces as per the zoning ordinance, not 52 as in the applicant's testimony.

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Motion carried: 5 ayes, 2 abstentions. President Toroney and Councilor Allen abstained due to their absence at the hearing.

c. Colebrookdale Spur – Motion by Councilor Weand, seconded by Councilor Rhoads to adopt a Resolution in support of the Colebrookdale Railroad tourism concept.

RESOLUTION NO. 2011 - 23

RESOLUTION IN SUPPORT OF COLEBROOKDALE RAILROAD

Whereas, the Colebrookdale Railroad, a rail line extending a distance of 8.6 miles from milepost 0.0 at Pottstown, Pennsylvania, to milepost 8.6 at Boyertown, Pennsylvania, dates from the mid-nineteenth century and is an under-utilized historic resource; and

Whereas, the Colebrookdale Railroad's history and construction reflects the culture and heritage of Pottstown, Boyertown, and Southeastern Pennsylvania; and

Whereas, the Colebrookdale Railroad possesses natural and architectural beauty unsurpassed by any railroad in the northeastern United States; and

Whereas, the re-use of the Colebrookdale Railroad as a passenger operation will catalyze heritage and recreational tourism activity and other development in Pottstown and Boyertown and will take advantage of a tourism opportunity gap; and

Whereas, passenger operation of the Colebrookdale Railroad will create jobs in Pottstown and Boyertown both directly and indirectly; and

Whereas, the Colebrookdale Railroad offers an unparalleled educational opportunity to tell the story of the early American ironmaking, milling, lumber, and transportation industries central to the growth of the nation, a story of which the Colebrookdale Railroad and our region is a part.

We therefore pledge our support to the creation of a dedicated tourist railroad on the Colebrookdale Railroad for the benefit and enjoyment of citizens, visitors, students and the business communities of our region.

We support the efforts of the project proponents to secure funding to facilitate tourist passenger service and will, in the future, aid in efforts to that end to the extent determined by our governing board to be necessary and prudent.

ENACTED AND RESOLVED by the Pottstown Borough Council in a public meeting this 12th day of December, A.D. 2011.

Motion carried: 7 ayes.

d. 2012 Budget – Motion by Councilor Weand, seconded by Councilor Chomnuk to approve the 2012 Budget with total revenues of \$38,805,749.00 and total expenditures of \$38,805,749.00 as outlined in the 2012 budget dated December 7, 2011.

Councilor Weand commended Staff for overcoming the drop in assessments within the last four months, adding that the Finance Committee is recommending approval of the budget.

Councilor Rhoads reiterated his comments regarding the unemployed, lost homes through Sheriff sales and lack of health insurance and expressed opposition of the tax hike and 2% management pay raises.

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Councilor Gibson read the attached statement.

ABSTENTION MEMORANDUM

TO: VIRGINIA L. TAKACH, POTTSTOWN BOROUGH SECRETARY
FROM: MARK GIBSON, POTTSTOWN BOROUGH COUNCILOR

Based upon discussions with the Pottstown Borough Solicitor, my vote on the 2012 budget and tax ordinance could be construed as a conflict of interest under the Public Officials and Employees Ethics Act.

Although there appears to be only a small increase to the general real estate tax millage, and there is no change to the fire tax millage, the Borough does make financial contributions to the four private volunteer fire companies. As a paid employee of Empire Hook and Ladder Fire Company, the vote on the budget and tax ordinance could be construed that I am receiving a direct pecuniary benefit. Upon advice of the Solicitor, and as required by Section 1104(j) of the State Ethics Act, please note my abstention on the 2012 budget and the 2012 tax ordinance. I am providing a copy of this written Memorandum to you, as Borough Secretary, as required by the Act. Thank you.


Mark Gibson

DATED: 12/12/2011

President Toroney requested a roll call vote.

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

Motion carried: 5 ayes, 1 nay, 1 abstention.

e. 2012 Tax Rate - Motion by Councilor Weand, seconded by Councilor Rhoads to adopt an Ordinance to fix the Borough tax rate for real property for the year 2012 as follows:

Tax rate for general purposes, the sum of	6.19695 mills
For debt purposes, the sum of	1.06871 mills
For library purposes, the sum of	0.19700 mills
For street light purposes, the sum of	0.33670 mills
For parks and recreation purposes, the sum of	0.90502 mills
For fire house maintenance purposes, the sum of	<u>1.50624 mills</u>
TOTAL MILLAGE	10.21062

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ORDINANCE NO. 2089

AN ORDINANCE OF THE BOROUGH OF POTTSTOWN,
MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE
FOR THE YEAR 2012

President Toroney requested a roll call vote.

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

Motion carried: 5 ayes, 1 nay, 1 abstention.

f. Fee Resolution – Motion by Councilor Weand, seconded by Councilor Chomnuk to adopt a Resolution amending the Comprehensive Borough Fee Resolution.

RESOLUTION NO. 2011 – 24

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO INCREASE THE COST FOR HANGAR RENTALS AT THE POTTSTOWN MUNICIPAL AIRPORT, TO ELIMINATE CERTAIN FEES ASSOCIATED WITH THE BARK PARK, AND TO REDUCE THE ANNUAL SERVICE CHARGE FOR COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLING.

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 Schedule to determine if additions or amendments to the Fee Resolution are necessary and appropriate; and

WHEREAS, based upon recommendation of Borough staff, the Borough of Pottstown desires to revise the Borough's Comprehensive Fee Resolution.

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 fees associated with the rentals at the Pottstown Municipal Airport are hereby revised, as follows:

Rental Monthly Original Hangar Fees - \$231.00/month

Rental Monthly "New" T-Hangar Fees - \$307.00/month

Rental Monthly Tie Down Fees - \$78.00/month

SECTION 2. All fees associated with use of the Bark Park are eliminated, with the exception of a Ten Dollar (\$10.00) key deposit, which requires proof of license and shots.

SECTION 3. Pottstown Borough's annual service charge for collection and disposal of garbage refuse, rubbish refuse and recycling for each dwelling unit shall be decreased from Three Hundred Fourteen Dollars (\$314.00) per unit to Three Hundred Four Dollars (\$304.00) per unit.

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SECTION 4. All future modifications of these fees and other fees established by the Comprehensive Fee Schedule shall be made by Resolution duly adopted by the Burgess and Town Council of the Borough of Pottstown.

SECTION 5. This Resolution shall become effective immediately upon enactment and such fees shall become effective January 1, 2012.

Solicitor Garner reviewed the minor changes to the 2012 Fee Resolution.

Motion carried: 7 ayes.

g. 2012 Meeting Schedule – Motion by Councilor Allen, seconded by Councilor Rhoads to approve and advertise the 2012 Council Meeting schedule. Motion carried: 7 ayes.

h. Environmental Literacy Program – Motion by Councilor Weand, seconded by Councilor Kirkland to authorize Staff to submit a grant to the Pennsylvania Department of Environmental Protection for educational resources to support environmental literacy. Motion carried: 7 ayes.

i. Littering Ordinance – Motion by Councilor Chomnuk, seconded by Councilor Rhoads to adopt an Ordinance to prohibit Littering.

ORDINANCE NO. 2090

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN CREATING A NEW PART 9, LITTERING, OF CHAPTER 6, CONDUCT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO PROHIBIT LITTERING ON PRIVATE AND PUBLIC PROPERTY AND PLACE RESPONSIBILITY TO PREVENT LITTERING ON THE OWNERS AND OCCUPANTS OF SAID PROPERTY; TO CREATE DEFINITIONS ASSOCIATED WITH LITTERING; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF SAME.

Motion carried: 7 ayes.

j. PEMA Designee – Motion by Councilor Allen, seconded by Councilor Weand to adopt a Resolution appointing Jason Bobst, Borough Manager as the designee for the Borough of Pottstown to submit documents to PEMA for reimbursements associated with Hurricanes Irene and Lee.

RESOLUTION NO. 2011-25 Designation of Agent Resolution – Hurricane Irene

BE IT RESOLVED, Pottstown Borough Council of the Borough of Pottstown, that Jason Bobst, Pottstown Borough Manager, is hereby authorized to execute for and in behalf of the Borough of Pottstown, Montgomery County, a public entity established under the laws of the Commonwealth of Pennsylvania, all required forms and documents for the purpose of

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obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707).

Passed and approved this 12th day of December 2011.

Motion carried: 7 ayes.

k. 850 North Charlotte Street – Motion by Councilor Chomnuk, seconded by Rhoads to grant request of Roy Repko, 859 North Charlotte Street, for installation of fence, encroaching the Borough's right of way, subject to execution of a Release and Hold Harmless Agreement in a form acceptable to the Borough Solicitor and Borough Manager. Motion carried: 7 ayes.

l. YWCA Parking Agreement – Motion by Councilor Rhoads, seconded by Councilor Kirkland to extend the Parking Agreement for the YWCA, 315 King Street, reducing the rate for fifteen (15) spaces in the King Street Lot to \$26 per space per year and provide five (5) parking spaces at the regular rate of \$25 per month per year, with the Agreement to expire December 31, 2013. Motion carried: 7 ayes.

m. Bike Night – Motion by Councilor Weand, seconded by Councilor Chomnuk to grant request of the Pottstown Downtown Improvement District Authority allowing the Gospel Riders to hold a Bike Night event on April 28, 2012 resulting in the closing of Hanover Street from High Street to King Street from 12:00 p.m. – 8:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

n. HARB - Motion by Councilor Weand, seconded by Councilor Kirkland to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- a) 242 King Street
- b) 28 North Evans Street
- c) 248 Walnut Street
- d) 255 Walnut Street
- e) 261 Beech Street

Motion carried: 7 ayes.

o. Maureen Allen – Motion by Councilor Gibson, seconded by Councilor Chomnuk to adopt a Resolution honoring Councilor Maureen K. Allen.

RESOLUTION NO. 2011-26

RECOGNIZING MAUREEN K. ALLEN FOR FOUR YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN AS COUNCILOR OF THE SECOND WARD

WHEREAS, Maureen K. Allen took office in January 2008 as the Councilor of the Second Ward for the Borough of Pottstown, Pennsylvania; and

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WHEREAS, Maureen has willingly engaged herself in a wide variety of issues affecting the health, safety and quality of life of Pottstown's 22,000 residents; and
WHEREAS, Maureen has maintained the highest standards of public service and professional integrity during a variety of rewarding and sometimes difficult circumstances; and
WHEREAS, in addition to effectively attending to her numerous responsibilities as Councilor, served the greater Pottstown Area and County of Montgomery by contributing countless hours of her time to the boards of many civic groups, local organizations and committees as assigned to her; and
WHEREAS, Maureen's presence in Borough Hall will be truly missed by the hundreds of people that she has represented and by her fellow Council Members, the Mayor, Borough Manager and Staff whom she has served with exceptional integrity, kindness and respect.
NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that Maureen K. Allen is officially recognized for the outstanding service she has provided the Borough of Pottstown as Second Ward Councilor.

Adopted at Pottstown Borough Hall, 100 East High Street, this 12th day of December 2011.

President Toroney read and presented the Resolution to Councilor Allen.

Councilor Allen commented that it has been a pleasure to serve with this Council and Staff.

Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Weand, seconded by Councilor Allen to pay the outstanding bills in the amount \$2,501,083.18. Motion carried: 7 ayes.

ANNOUNCEMENTS

President Toroney and the Council members wished all a safe and happy holiday. He also acknowledged Mr. Bobst and Ms. Lee for their efforts on the budget and finances.

ADJOURNMENT

The meeting adjourned at 8:00 p.m. on motion by Councilor Allen.

Submitted by,

Jason M. Bobst
Borough Manager