

BOROUGH OF BOYERTOWN COUNCIL MEETING
August 3, 2009

The regular meeting of Boyertown Borough Council was called to order at 7:00 p.m. by President Frank Deery. Council members present, in addition to Mr. Deery, were Patrick Maloney, Raynard Spaide, Lori Carnes, Keith Endy, Terry Mest, and Gene Gabel.

Also present were Marianne Deery, Mayor; Christopher Hartman, solicitor; Patricia Spaide, Borough Manager; Charles Haddad, Building a Better Boyertown, press representatives and a concerned citizen.

All rose for the Pledge of Allegiance.

Mr. Deery called for public comment on the agenda and recognized Mr. Clayton Leister who addressed council on the following agenda items: Mr. Leister inquired if William Flederbach is a borough resident; he further inquired about the appointment of Charles Fryer to the Boyertown Planning Commission and Mr. Flederbach's appointment to the Zoning Hearing Board noting that neither matter was discussed at the committee level. He then commented that Utilitech is a broker, he also inquired about the purchase of new hand guns for the police department noting that the purchase was not discussed at the committee level. Mr. Leister also stated that he has requested a copy of the Borough Council News Article prior to its approval by Council.

Mr. Deery called for a motion to approve the minutes of the June 1, 2009 meeting of Council. The motion was made by Mr. Gabel, seconded by Mr. Spaide, and approved.

Mr. Deery made a motion, seconded by Mr. Gabel, to approve Resolution Number 08-03-2009A appointing William Flederbach to complete the unexpired term of Donald Moyer on the Boyertown Zoning Hearing Board, term to expire 2011. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery then made a motion, seconded by Mr. Spaide, to appoint Charles Fryer to the Boyertown Planning Commission to complete the unexpired term of Carl Cleaver term to expire 2011. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Finance, Lori Carnes

Mrs. Carnes made a motion, seconded by Mr. Maloney, to approve the lists of Revenues, Expenditures, and Bills for July, 2009. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion carried.

The following is a summary of the Financial Report; the complete report is on file in the Borough office:

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General Fund - 01	
Balance in Bank	\$ 603,974.53
Receipts	173,976.60
Expenditures	160,038.80
Balance in Bank	617,912.33
Tank Maintenance Fund - 04	
Balance in Bank	308,982.56
Receipts	2,279.70
Expenditures	93,100.00
Balance in Bank	218,162.26
Town Center Fund - 05	
Balance in Bank	7,660.56
Receipts	953.52
Expenditures	0.00
Balance in Bank	8,614.08
Water Fund - 06	
Balance in Bank	427,590.36
Receipts	115,017.23
Expenditures	54,892.87
Balance in Bank	487,714.72
Sewer Fund - 08	
Balance in Bank	474,226.22
Receipts	85,894.61
Expenditures	52,095.63
Balance in Bank	508,025.20
Recreation Fund - 09	
Balance in Bank	91,681.25
Receipts	3,266.24
Expenditures	2,187.42
Balance in Bank	92,760.07
Colonial Corners Fund - 13	
Balance in Bank	85,976.00
Receipts	880.45
Expenditures	0.00
Balance in Bank	86,856.45

Capital Construction - Water Fund - 15	
Balance in Bank	25,276.98
Receipts	36.67
Expenditures	0.00
Balance in Bank	25,313.65
Capital Construction - Sewer Fund- 16	
Balance in Bank	294,627.18
Receipts	181.67
Expenditures	0.00
Balance in Bank	294,808.85
Capital Improvement - General Fund - 17	
Balance in Bank	375,409.80
Receipts	1,124.63
Expenditures	0.00
Balance in Bank	376,534.43
Capital Improvement - Recreation Fund – 18	
Balance in Bank	10,319.85
Receipts	6.36
Expenditures	0.00
Balance in Bank	10,326.21
Capital Improvement-Water Fund - 20	
Balance in Bank	677,817.13
Receipts	8,708.13
Expenditures	976.33
Balance in Bank	685,548.93
Capital Improvement – Sewer Fund 30	
Balance in Bank	276,015.16
Receipts	2,534.60
Expenditures	0.00
Balance in Bank	278,549.76
Liquid Fuels Fund - 35	
Balance in Bank	104,451.16
Receipts	70.13
Expenditures	0.00
Balance in Bank	104,521.29

Land Development Escrow - 40	
Balance	6,348.52
Receipts	3.91
Expenditures	0.00
Balance in Fund	6,352.43
Petty Cash Fund	
Balance in Bank	212.50
Receipts	0.00
Expenditures	133.81
Balance	78.69
Payroll Account	
Balance in Bank	2.99
Receipts	62,151.82
Expenditures	60,631.20
Balance in Bank	1,523.61

Mrs. Carnes then made a motion, seconded by Mr. Mest, to approve Resolution Number 08-03-2009 to appoint delegates to the Earned Income Tax Collection Committee for Berks County. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mrs. Carnes made a motion, seconded by Mr. Mest, to authorize the Council President to execute the Bill Audit Services Agreement with UtiliTech, Inc. for analysis of the Borough’s electric, gas and telecommunications bills. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Public Utilities - Water, Keith Endy

The following Water Supply and Use Report was submitted for the month of July 2009:

During the month of July 2009, a total of 21,454,000 gallons of water was processed through the water filter plant for an average of 715,000 gallons per day.

The totals came from these sources:

Trout Run	6,240,000
Ironstone	10,508,000
Boyertown Reservoir	4,706,000
Pumping from Trout Run	29 days
Pumping from Ironstone	29 days

Trout Run is at a level of 592.42 feet with approximately 261,000,000 gallons of water. The current level at the Boyertown Reservoir is 33.5 feet. Total precipitation in July is 7.1 inches.

Mr. Endy made a motion, seconded by Mr. Gabel, to award Base Bid and Bid One in the amount of \$123,200 for the Booster Pumping System at the Water Filtration Plant to Eastern Environmental Contractors, Inc. conditioned upon receipt of acceptable Performance and Payment Bonds, and evidence of the required insurance coverage. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Public Utilities – Sewer, Keith Endy

The following Wastewater Treatment Report was submitted for the month of July 2009:

	Average Effluent	NPDES Maximum Allowed
B.O.D.	2.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.1 mg/l	1.6 mg/l
Phosphorus	.47 mg/l	1.5 mg/l
Suspended Solids	3.9 mg/l	20.0 mg/l

	Average Weekly	NPDES Maximum Allowed
Fecal Coliform	5/100 mg/l	200/100 mg/l

The average daily flow at the Wastewater Treatment Plant during the month of July was 490,000 gallons.

Public Works, Gene Gabel

The following report on the activities of the Street Department personnel during the month of July, 2009 was submitted:

During the month of July 2009, Street Department personnel performed maintenance on park equipment, performed annual weed spraying, patched streets and alleys, and performed routine maintenance on borough vehicles and equipment.

Mr. Gabel made a motion, seconded by Mr. Spaide, to approve Change Order Number 1 ADA Curb Ramps Phase 4 in the amount of \$1,170 to install composite panel paver system at all curb ramp locations indicated on Contract Documents. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Gabel then made a motion, seconded by Mr. Maloney, to approve Change Order Number 1 Street Reconstruction and Drainage Improvements in the amount of \$3,423.20 for the removal of 342 L.F. of concrete gutter and removal of concrete apron along the west side of Chestnut Street between 2nd and 3rd Street. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

House, Patrick Maloney

Mr. Maloney made a motion, seconded by Mr. Spaide, to ratify the appointment of Borough residents Linda Famous and Charles Fryer to the J. K. Boyer Boyertown Community Library Board of Trustees for a term of four years, term to expire first Monday of August 2013. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Gabel, and Mr. Deery. Mr. Mest abstained because Mrs. Famous is his daughter. The motion was approved.

Mr. Maloney then made a motion, seconded by Mr. Gabel, to appoint Patricia Spaide as the Borough representative on the Berks County Planning Commission Watershed Plan Advisory Committee. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Maloney also made a motion to authorize the Medicine Shoppe to use the Community Room at Borough hall at no charge to hold a Flu Clinic. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Public Communication, Raynard Spaide

Mr. Spaide made a motion, seconded by Mrs. Carnes to authorize release for publication in the Boyertown Times the Borough of Boyertown News Article dated August 3, 2009. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel and Mr. Deery. The motion was approved.

Park and Recreation Board, Lori Carnes

Mrs. Carnes advised that the next Movie Under the Stars is scheduled on August 22nd. She also informed the members that the board is planning to hold a music fest in conjunction with the Fall Festival, which is scheduled for November 7th.

Planning, Raynard Spaide

Mr. Spaide submitted the following Code Enforcement Report for the month of July 2009, as provided by Bursich Associates, and the Miscellaneous Permit Report:

Bursich Associates issued two building permits, one electrical permit, one Use and Occupancy Permit, and four zoning permits. In addition, the Code Enforcement Officer responded to numerous zoning inquiries, and property maintenance code concerns, and inspected rental units. The miscellaneous permit report reflected the issuance of three curb and sidewalk permits, two street opening permits, and four yard sale permits.

A review of the Keystone Fire Company Land Development Plan was then undertaken. The plan proposes to develop a vacant parcel on North Walnut Street into a parking lot for the fire company. Mr. Hartman noted that the plan before the commission does not accurately list the waiver requests recommended by the Planning Commission. Mr. Hartman advised the members that the following waivers are required and recommended by the Planning Commission: Section 4.3538 pertaining to the installation of sidewalk along North Walnut Street, Section 4.35495 requiring lighting of the tract, section 5.555 requiring the driveway and access-way minimum width standard for a non-residential driveway of 24', Section 7.34 requiring shade trees along North Walnut Street, and Section 7.41 to allow an alternate paving specification consisting of 8" of 2A stone sub-base on a properly prepared subgrade with 2" of ID-2 Binder Course and 1.5" of ID-2 Wearing Course.

Following discussion, Mr. Spaide made a motion, seconded by Mr. Maloney, to grant waivers to the above stated sections of the Subdivision and Land Development Ordinance on the condition that any of the waivers not on the plan are included on the plan before the plan is executed. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Mest, Mr. Gabel, and Mr. Deery. Mr. Endy abstained because the plan was prepared by the firm where he is employed. The motion was approved.

Mr. Hartman then explained that the deed book reference and page number depicted on the plan are incorrect. Following discussion, Mr. Spaide made a motion, seconded by Mrs. Carnes, stating that if the plan is approved by Council the deed book reference and page number must be corrected on the plan prior to execution of the plan. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Mest, Mr. Gabel, and Mr. Deery. Mr. Endy abstained because the plan was prepared by the firm where he is employed. The motion was approved.

Mr. Spaide then made a motion, seconded by Mr. Mest, to grant approval of the Keystone Fire Company Land Development Plan conditioned upon execution of an Improvements Agreement, Stormwater Maintenance Agreement, and associated financial security, and satisfactory completion of all other matters addressed during Council review of the plan at the Council Meeting on August 3rd, 2009. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Mest, Mr.

Gabel, and Mr. Deery. Mr. Endy abstained because the plan was prepared by the firm where he is employed. The motion was approved.

Mr. Spaide then made a motion, seconded by Mr. Gabel, to accept a 90 day time extension for review of the Bause’s Drug Store Land Development Plan, time extension shall end on November 9, 2009. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Police and Public Safety, Terry Mest

Mr. Mest made a motion, seconded by Mr. Maloney, to authorize the Chief of Police to notify the Pennsylvania Department of Transportation of the Borough’s intent to close North Reading Avenue from Fifth Street to Philadelphia Avenue and South Reading Avenue from Philadelphia Avenue to Third Street on July 18th, 2009 between the hours of 3:00 p.m. to 10:00 p.m. for Cruise Night. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Gabel, Mr. Mest, and Mr. Deery. The motion was approved.

Mr. Mest then made a motion, seconded by Mr. Spaide, to accept the resignation of part-time police officer Casey Paras effective June 17, 2009. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Spaide, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Police Activities, Mayor Marianne Deery

The following Police Activities Report for the month of June 2009 was submitted:

Calls for Service	273
Traffic Complaints	68
Non-Traffic Complaints	150
Traffic Arrests	56
Non Traffic Arrests	21

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Mayor Deery then submitted the Mayor’s Activity Report for the month of June. The report reflected that Mayor Deery attended numerous meetings of Building A Better Boyertown, attended a meeting of the Regional Police Study Committee, performed a wedding, attended a meeting of the Carl A. Spaatz Memorial Association, spoke at the retirement dinner for Father Robert C. Quinn of St. Columbkil’s Church, attended the dedication of the community garden in memory of Sandy Neiman, and judged team tents for the Boyertown Relay for Life.

Building a Better Boyertown, Heather Oxenford Main Street Manager

In the absence of Mrs. Oxenford, Mr. Haddad reported that a meeting with the design consultant for the Main Street Streetscape Plan is scheduled for Tuesday, July 7th. Mr. Haddad further noted that the USDA Grant will cover the construction costs for the Crossroads Project; however, the BBB is seeking funding to pay for the construction design.

Mr. Haddad also noted that the Rotary Club project "A Playground for Everyone" is moving forward with a tentative installation date of fall of 2009.

Mr. Deery then called for public comment and recognized Linda Lyle and Gail Missimer who addressed council concerning the number of unrelated individuals residing at 103 College Street, expressing their belief that the home is being used as a boarding house. Solicitor Hartman stated that the current zoning ordinance permits up to five unrelated individuals to reside in a home as a family. It was further noted that the Borough Code Enforcement Officer conducted an inspection of the residence and found no evidence to support its use as a boarding house. The residents of the property have a single lease with the property owner. It was also noted that the borough is currently working with Colebrookdale and Pike Townships on a Joint Zoning Ordinance. That ordinance reduces the number of permitted unrelated individuals in a household from five to three. Mrs. Lyle and Mrs. Missimer also complained about the number of properties with weed growth and cigarette butts on the public sidewalk.

Mr. Deery then recognized Mr. Clayton Leister who stated that the storm water problem at Fifth and Franklin Street should have been repaired years ago, he also stated that the Borough should gain ownership of the Community Center on West Philadelphia Avenue and return it to use as a Community Center.

Mr. Deery then announced that Council would hold an executive session following adjournment to discuss a real estate matter.

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There being no further business to conduct, a motion to adjourn the meeting at 8:05 p.m. was made by Mrs. Carnes and seconded by Mr. Gabel. The next meeting of Boyertown Borough Council is scheduled for Monday, August 3, 2009 at 7:00 p.m.

Respectfully submitted,

Patricia A. Spaide
Borough Secretary