

BOROUGH OF BOYERTOWN COUNCIL MEETING
July 6, 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 concerned citizens.

All rose for the Pledge of Allegiance.

Mr. Deery called for public comment on the agenda and recognized Ms. Christine Yerger who addressed the members concerning flooding which occurred on her property at 130 North Washington Street during a July 1st storm event. Ms. Yerger was in contact with Councilman Maloney and had provided him with pictures of the flood conditions. All members of council had reviewed the pictures. Councilman Gabel explained that during extreme rain events the storm water system at Fifth and Franklin Street is not able to handle the flow and as a result the water backs up and floods the rear of 120 and 130 North Washington Street.

Council informed Ms. Yerger that a previous borough council asked the borough engineer to investigate this storm water problem and make a recommendation to correct the problem. However, the engineer was not authorized to proceed with a design plan due to the projected high cost of the project and the lack of funds to implement the project. Council further explained that earlier this year they asked the borough engineer to provide a cost estimate to prepare a design drawing. Council took this initiative with the hope that grant funding may be available for a project of this type. Council further stated that the projected engineering cost to prepare the design plan is \$60,000. Council members explained that they have not authorized the engineer to proceed at this time pending completion of several projects that are currently underway. The members explained that they are hoping to have enough funds remaining following completion of these projects to authorize the preparation of a design plan.

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.

Finance, Lori Carnes

Mrs. Carnes made a motion, seconded by Mr. Mest, to approve the lists of Revenues, Expenditures, and Bills for June, 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	\$ 707,161.17
Receipts	76,622.66
Expenditures	179,809.30
Balance in Bank	603,974.53
Tank Maintenance Fund - 04	
Balance in Bank	306,665.39
Receipts	2,317.17
Expenditures	0.00
Balance in Bank	308,982.56
Town Center Fund - 05	
Balance in Bank	6,456.10
Receipts	1,204.46
Expenditures	0.00
Balance in Bank	7,660.56
Water Fund - 06	
Balance in Bank	446,950.06
Receipts	72,293.50
Expenditures	91,653.20
Balance in Bank	427,590.36
Sewer Fund - 08	
Balance in Bank	496,833.52
Receipts	38,328.75
Expenditures	60,936.05
Balance in Bank	474,226.22
Recreation Fund - 09	
Balance in Bank	96,115.57
Receipts	32,964.00
Expenditures	37,398.32
Balance in Bank	91,681.25
Colonial Corners Fund - 13	
Balance in Bank	84,657.94
Receipts	1,318.06
Expenditures	0.00
Balance in Bank	85,976.00

Capital Construction - Water Fund - 15	
Balance in Bank	115,821.93
Receipts	85.05
Expenditures	90,630.00
Balance in Bank	25,276.98
Capital Construction - Sewer Fund- 16	
Balance in Bank	294,397.22
Receipts	229.96
Expenditures	0.00
Balance in Bank	294,627.18
Capital Improvement - General Fund - 17	
Balance in Bank	368,906.58
Receipts	12,007.07
Expenditures	5,503.85
Balance in Bank	375,409.80
Capital Improvement - Recreation Fund – 18	
Balance in Bank	10,311.80
Receipts	8.05
Expenditures	0.00
Balance in Bank	10,319.85
Capital Improvement-Water Fund - 20	
Balance in Bank	729,861.42
Receipts	7,107.08
Expenditures	59,151.37
Balance in Bank	677,817.13
Capital Improvement – Sewer Fund 30	
Balance in Bank	278,655.96
Receipts	2,585.77
Expenditures	5,226.57
Balance in Bank	276,015.16
Liquid Fuels Fund - 35	
Balance in Bank	104,421.61
Receipts	29.55
Expenditures	0.00
Balance in Bank	104,451.16

Land Development Escrow - 40	
Balance	6,343.56
Receipts	4.96
Expenditures	0.00
Balance in Fund	6,348.52
Petty Cash Fund	
Balance in Bank	34.69
Receipts	177.81
Expenditures	0.00
Balance	212.50
Payroll Account	
Balance in Bank	2,198.50
Receipts	86,878.52
Expenditures	89,074.03
Balance in Bank	2.99

Mrs. Carnes then made a motion, seconded by Mr. Gabel, to grant the application for refund of the Local Services Tax to the individual listed by the Borough Manager in a memo dated July 1, 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.

Mrs. Carnes made a motion, seconded by Mr. Spaide, to approve Resolution Number 07-06-09 authorizing participation in the Berks County Purchasing Councils bid for the supply of electricity and authorizing the Borough Manager or the Council President to execute a service contract for the supply of electricity. 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 June 2009:

During the month of June 2009, a total of 23,019,000 gallons of water was processed through the water filter plant for an average of 767,000 gallons per day.

The totals came from these sources:

Trout Run	7,538,000
Ironstone	10,663,000
Boyertown Reservoir	4,818,000
Pumping from Trout Run	21 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 feet. Total precipitation in June is 4.5 inches.

Public Utilities – Sewer, Keith Endy

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

	Average Effluent	NPDES Maximum Allowed
B.O.D.	3.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.7 mg/l	1.6 mg/l
Phosphorus	.74 mg/l	1.5 mg/l
Suspended Solids	9.3 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 June was 500,000 gallons.

Public Works, Gene Gabel

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

During the month of June 2009, Street Department personnel performed maintenance on the pavilions at the community park, mowed grass, swept streets, assisted with set up and clean up at community events, and performed routine maintenance on borough vehicles and equipment.

House, Patrick Maloney

No report

Public Communication, Raynard Spaide

Mr. Spaide made a motion, seconded by Mr. Endy to authorize release for publication in the Boyertown Times the Borough of Boyertown News Article dated July 6, 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 noted that the first Movie under the Stars at the Community Park is scheduled on July 25th.

Planning, Raynard Spaide

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

Bursich Associates issued one building permit and three 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 one curb and sidewalk permit, and two yard sale permits.

Mr. Spaide then made a motion, seconded by Mr. Gabel, to accept a 90 day time extension for review of the Keystone Fire Company Land Development Plan, time extension shall end on October 13, 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