

**BOROUGH OF BOYERTOWN COUNCIL MEETING**  
**November 2, 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, Lori Carnes, Keith Endy, Terry Mest, and Gene Gabel. Council member Raynard Spaide was absent.

Also present were Marianne Deery, Mayor; Christopher Hartman, solicitor; Heather Oxenford, Building a Better Boyertown, Jane Mellott, Bause's Drug Store; Jeff Karver, attorney; press representatives, and a concerned citizen.

All rose for the Pledge of Allegiance.

Mr. Deery called for a motion to approve the minutes of the October 5, 2009 meeting of Council. The motion was made by Mr. Gabel, seconded by Mr. Endy, and approved.

Mr. Deery then recognized Mr. Jeff Karver, attorney representing Bause's Drug Store Land Development Plan. The plan proposes construction of a drive through window at the rear of the drug store, which is located at 42 East Philadelphia Avenue. It was noted that the Planning Commission is recommending Council grant conditional plan approval. Mr. Karver noted that financing for the project will be done through Victory Bank and that loan approval is anticipated on November 15<sup>th</sup>. Solicitor Hartman noted that the escrow required in accordance with the Improvements Agreement will be deposited in an escrow account and that the Borough will have exclusive rights of access to the account.

Following all discussion, Mr. Deery made a motion, seconded by Mr. Maloney, to grant approval to the Bause's Drug Store Land Development Plan, and to authorize execution of the Improvements Agreement, and authorize opening of an escrow account at Victory Bank, and to authorize release of the plan for recording when the escrow account is funded. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mrs. Carnes, Mr. Mest, Mr. Gabel, and Mr. Deery. Mr. Endy abstained because he is employed by the engineering firm that prepared the plan. The motion was approved.

**Finance, Lori Carnes**

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

General Fund - 01	
Balance in Bank	\$ 656,244.41
Receipts	27,166.09
Expenditures	172,206.22
Balance in Bank	511,204.28

## Tank Maintenance Fund - 04

Balance in Bank	222,514.79
Receipts	2,188.39
Expenditures	0.00
Balance in Bank	224,703.18

## Town Center Fund – 05

Balance in Bank	20,895.76
Receipts	953.54
Expenditures	0.00
Balance in Bank	21,849.30

## Water Fund - 06

Balance in Bank	439,008.61
Receipts	168,396.82
Expenditures	61,519.60
Balance in Bank	545,885.83

## Sewer Fund - 08

Balance in Bank	526,751.04
Receipts	97,687.52
Expenditures	66,885.44
Balance in Bank	557,553.12

## Recreation Fund - 09

Balance in Bank	92,833.41
Receipts	229.87
Expenditures	0.00
Balance in Bank	93,063.28

## Colonial Corners Fund - 13

Balance in Bank	88,004.02
Receipts	1,983.33
Expenditures	0.00
Balance in Bank	89,987.35

## Capital Construction - Water Fund - 15

Balance in Bank	0.00
Receipts	5.21
Expenditures	0.00
Balance in Bank	5.21

## Capital Construction - Sewer Fund- 16

Balance in Bank	295,051.30
Receipts	121.28
Expenditures	0.00
Balance in Bank	295,172.58

## Capital Improvement - General Fund - 17

Balance in Bank	331,604.81
Receipts	7,637.29
Expenditures	100,952.05
Balance in Bank	238,290.05

## Capital Improvement - Recreation Fund – 18

Balance in Bank	10,335.34
Receipts	4.25
Expenditures	0.00
Balance in Bank	10,339.59

## Capital Improvement-Water Fund - 20

Balance in Bank	605,398.61
Receipts	8,303.41
Expenditures	26,830.75
Balance in Bank	586,871.27

## Capital Improvement – Sewer Fund 30

Balance in Bank	260,890.36
Receipts	326.85
Expenditures	1,273.87
Balance in Bank	259,943.34

## Liquid Fuels Fund - 35

Balance in Bank	104,574.97
Receipts	57.05
Expenditures	60,000.00
Balance in Bank	44,632.02

## Land Development Escrow - 40

Balance	6,358.05
Receipts	2.61
Expenditures	0.00
Balance in Fund	6,360.66

## Petty Cash Fund

Balance in Bank	212.50
Receipts	0.00
Expenditures	175.71
Balance	36.79

## Payroll Account

Balance in Bank	112.79
Receipts	62,178.12
Expenditures	61,530.56
Balance in Bank	760.35

Mrs. Carnes then made a motion, seconded by Mr. Maloney, to grant the application for a refund of payment of the Local Services Tax to the individual listed by the Borough Manager in a memo dated October 28<sup>th</sup>, 2009. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mrs. Carnes made a motion, seconded by Mr. Gabel, to authorize advertising the 2010 Proposed Budget for a ten-day public inspection period. The roll call vote reflected the following members voting “yes”: Mr. Maloney, 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 October 2009:

During the month of October 2009, a total of 20,598,000 gallons of water was processed through the water filter plant for an average of 736,000 gallons per day.

The totals came from these sources:

Trout Run	11,730,000
Ironstone	7,944,000
Boyertown Reservoir	924,000
Pumping from Trout Run	28 days
Pumping from Ironstone	28 days

Trout Run is at a level of 593.42 feet with approximately 273,000,000 gallons of water. The current level at the Boyertown Reservoir is 32.90 feet. Total precipitation in October is 4.3 inches.

Mr. Endy then made a motion, seconded by Mrs. Carnes, to authorize the Council President to execute the Amended and Restated Water and Wastewater Operation and Maintenance Agreement between Severn Trent Environmental Services, Inc. and the Borough of Boyertown. The roll call vote reflected the following members voting “yes”: Mr. Maloney, 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 October 2009:

	<b>Average Effluent</b>	<b>NPDES Maximum Allowed</b>
B.O.D.	2.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.1 mg/l	1.6 mg/l
Phosphorus	.54 mg/l	1.5 mg/l
Suspended Solids	6.8 mg/l	20.0 mg/l

	<b>Average Weekly</b>	<b>NPDES Maximum Allowed</b>
Fecal Coliform	6/100 mg/l	200/100 mg/l

The average daily flow at the Wastewater Treatment Plant during the month of October was 540,000 gallons.

### **Public Works, Gene Gabel**

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

During the month of October 2009, Street Department personnel performed maintenance work at the parks, repaired catch basins, performed maintenance in the Inner Core Parking Lot, removed brush and small trees from the bank at the intersection of South Chestnut Street and East Second Street, and performed routine maintenance on borough vehicles and equipment.

### **House, Patrick Maloney**

No Report

### **Public Communication, Raynard Spaide**

Mr. Deery made a motion, seconded by Mr. Maloney, to authorize release for publication in the Boyertown Times the Borough of Boyertown News Article dated November 2, 2009. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel and Mr. Deery. The motion was approved.

### **Park and Recreation Board, Lori Carnes**

Mrs. Carnes reported that the 2<sup>nd</sup> Annual Fall Festival will be held on Saturday, November 7<sup>th</sup>, 2009.

### **Planning, Raynard Spaide**

The following Code Enforcement Report for the month of October 2009, as provided by Bursich Associates and the Miscellaneous Permit Report were submitted:

Bursich Associates issued three zoning permits, three tree permits, and three building 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.

Mr. Deery made a motion, seconded by Mr. Gabel, to authorize the Council President to execute an Improvement Inspection Agreement with the Keystone Steam Fire

Engine Company No. 1 pertaining to the Keystone Land Development Plan. The roll call vote reflected the following members voting “yes”: Mr. Maloney, 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 Mrs. Carnes, to authorize the Police Chief to notify the Pennsylvania Department of Transportation of the closure of East Philadelphia Avenue from Reading Avenue to Chestnut Street on December 5<sup>th</sup>, 2009 between the hours of 10:00 a.m. and 4:00 p.m. for the Chillin on Main event. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Mest then made a motion, seconded by Mr. Gabel, to authorize Building a Better Boyertown to hold a parking meter decorating contest in conjunction with the Chillin on Main event conditioned upon the removal of the decorations on Monday, December 7<sup>th</sup>, 2009. The roll call vote reflected the following members voting “yes”: Mr. Maloney, 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 October 2009 was submitted:

Calls for Service	249
Traffic Complaints	89
Non-Traffic Complaints	110
Traffic Arrests	64
Non Traffic Arrests	16

Mayor Deery then submitted the Mayor’s Activity Report for the month of October. Mayor Deery was a celebrity scooper at Rita’s Water Ice on behalf of the Boyertown United Way, attended the Unity Walk, a meeting of Cabot’s Advisory Panel, a ribbon cutting ceremony for Clayote, a banquet for the Boyertown Museum of Historic Vehicles, a meeting of the Carl A. Spatz Memorial Association, the Boyertown Halloween Parade, and attended numerous meetings of Building a Better Boyertown.

### **Building a Better Boyertown, Heather Oxenford Main Street Manager**

Mrs. Oxenford stated that she had nothing new to report to Borough Council.

Mr. Deery advised the members that the Parent/Community/Intergovernmental Relations Committee of the Boyertown Area School District Board of School Directors will sponsor a joint meeting of School Board members and elected officials of the District’s townships, boroughs and municipalities on Wednesday, November 18<sup>th</sup>, 2009 at 7:00 p.m. in the multi-purpose room of Colebrookdale Elementary School. The district

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requested the borough select two elected officials to attend. Mr. Deery advised the members to contact Mrs. Spaide if they wish to attend the meeting.

Mr. Deery called for public comment and recognized Mr. Leister who stated that the borough should release the Borough Council News Article to newspapers other than the Boyertown Times.

There being no further business to conduct a motion to adjourn at 7:30 p.m. was made by Mrs. Carnes and seconded by Mr. Mest. The next meeting of Boyertown Borough Council is scheduled for Monday, December 7<sup>th</sup>, 2009 at 7:00 p.m.

Respectfully submitted,

Patricia A. Spaide  
Borough Secretary