

**BOROUGH OF BOYERTOWN REORGANIZATION MEETING
AND REGULAR COUNCIL MEETING
January 4, 2010**

The reorganization meeting of Boyertown Borough Council was called to order by Mayor Marianne Deery. Council members present were Frank Deery, Patrick Maloney Lorraine Carnes, Keith Endy, Terry Mest, and Gene Gabel.

Also in attendance were Marianne Deery, Mayor; Patricia Spaide, Borough Manager; Bethany Emkay, Hartman/Shurr; Heather Oxenford and Charles Haddad, Building a Better Boyertown, interested citizens and a press representative.

All rose for the pledge of allegiance.

Mayor Deery called for public comment on the agenda. No comments were forthcoming.

Mayor Deery then opened nominations for the election of the President of Boyertown Borough Council for the two-year term period ending the first Monday in January 2012. Mr. Gabel nominated Frank Deery. Mr. Endy made a motion to close the nominations. The motion was seconded by Mr. Gabel. 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.

Mayor Deery then opened nominations for the election of the Vice President of Boyertown Borough Council for the two-year term period ending the first Monday in January 2012. Mr. Mest nominated Keith Endy. A motion to close the nominations was made by Mr. Maloney and seconded by Mr. Mest. 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.

The secretary cast the ballot, Frank Deery, President; Keith Endy, Vice President of Boyertown Borough Council for a two-year term to end the first Monday in January 2012.

Mr. Deery then assumed the Chair and made a motion to appoint Barry Christman to complete the unexpired term of Councilman Raynard Spaide, term to expire the first Monday in January 2012. The motion was seconded by Mr. Endy. 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.

The Oath of Office was administered to Mr. Christman by Mayor Deery. Members of Council welcomed Mr. Christman.

Mayor Deery then announced the following committees of Boyertown Borough Council:
Public Works-Chairman, Gene Gabel, members Barry Christman, Keith Endy
Public Utilities-Chairman, Keith Endy, members Barry Christman, Gene Gabel
Public Communication-Chairman, Barry Christman, members Gene Gabel, Keith Endy

Police and Public Safety-Chairman, Terry Mest, members Patrick Maloney, Lorraine Carnes
Finance-Chairman, Lorraine Carnes, members, Patrick Maloney, Terry Mest
House-Chairman, Patrick Maloney, members Terry Mest, Lorraine Carnes

Mr. Deery then made a motion, seconded by Mr. Endy, to approve the appointments of the following individuals to Boards, Commissions, and Offices:

Fire Marshal	Ricky Smith, 1-year term
Health Officer	Shirley Seekford, 1-year term
Planning Commission	Victor Prutzman, 5-year term
Park and Recreation Board	Kimberly Parish, 5-year term
Employees Pension Board	William Schlegel, 4-year term
Water Authority	William Schlegel, 5-year term
Board of Health	Dr. Lamar Foley, 5-year term
Civil Service Commission	Terry Mest, 6-year term
Emergency Management Council	Gregory Herbst, 1-year term
	Barry Leatherman, 1-year term
	Frank Deery, 1-year term
	Terry Mest, 1-year term
Manager/Secretary/Treasurer	Patricia A. Spaide, 2-year term

The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery then made a motion to approve Resolution Number 01-04-2010 appointing Thomas Heeney to the Zoning Hearing Board for a 3-year term. The motion was seconded by Mr. Gabel. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery made a motion to approve Resolution Number 01-04-2010A appointing Kenneth Weisel as an alternate on the Zoning Hearing Board for a 3-year term. The motion was seconded by Mrs. Carnes. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery then made a motion to approve Resolution Number 01-04-2010B authorizing the creation of a Joint Municipal Planning Commission with Pike Township and

Colebrookdale Township, and appointing three members to serve on the commission. The motion was seconded by Mr. Gabel. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery then made a motion to approve Resolution Number 01-04-2010C authorizing an amendment to the Intergovernmental Cooperation Agreement with Colebrookdale Township concerning the Boyertown Area Emergency Management Agency. The motion was seconded by Mr. Endy. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery made a motion to appoint National Penn Bank and Pennsylvania Local Government Investment Trust as depositories of the Borough funds for the years 2010 and 2011. The motion was seconded by Mr. Mest. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery then made a motion to name the Tax Claim Bureau of the County of Berks as the tax collector of all delinquent real estate taxes in the Borough. The motion was seconded by Mr. Mest. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery then made a motion to appoint the law firm of Hartman Shurr, 1100 Berkshire Blvd., Suite 301, Wyomissing, PA, to a two-year term as solicitor with primary representation provided by Christopher Hartman. The motion was seconded by Mr. Gabel. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery made a motion to appoint Jeffrey Howell, 530 Walnut Street, Reading, PA, to a two-year term as solicitor for the Zoning Hearing Board. The motion was seconded by Mrs. Carnes. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery then made a motion to appoint The Pidcock Company, Incorporated, 2451 Parkwood Drive, Allentown, PA, to a two-year term as engineer with primary representation provided by Dennis Harman and Steven Henning. The motion was seconded by Mr. Mest. The roll call vote reflected the following members voting "yes:" Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel. The motion was approved.

Mr. Deery made a motion to appoint Spotts, Stevens and McCoy, Incorporated, 1047 North Park Road, Reading, PA, to a two-year term as engineer to the Planning Commission with primary representation provided by Robert Schellhamer. The motion was seconded by Mr. Gabel. The roll call vote reflected the following members voting "yes:" Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel. The motion was approved.

Mr. Deery then made a motion to appoint Bursich Associates, Inc., 2129 East High Street, Pottstown, Pennsylvania to a two-year term as Zoning Officer and Building Code Official with primary representation by Scott Reeser. The motion was seconded by Mr. Maloney. The roll call vote reflected the following members voting "yes:" Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel. The motion was approved.

Mr. Deery then made a motion, seconded by Mrs. Carnes, to adopt the Rules and Regulations for the conduct of Borough Council and Committee Meetings. The roll call vote reflected the following members voting "yes:" Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel. The motion was approved.

Mr. Deery then announced that the reorganization meeting of Borough Council is concluded and the regular meeting of Borough Council will begin.

Mr. Deery made a motion, seconded by Mr. Gabel, to approve the minutes of December 7th and December 30th, 2009 meetings of Borough Council. 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 December, 2009. The roll call vote reflected the following members voting "yes": Mr. Maloney, Mr. Christman 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	\$ 441,852.86
Receipts	74,385.38
Expenditures	316,238.24
Balance in Bank	200,000.00
Tank Maintenance Fund - 04	
Balance in Bank	226,875.10
Receipts	2,169.39
Expenditures	0.00
Balance in Bank	229,044.49

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Town Center Fund – 05

Balance in Bank	23,182.59
Receipts	958.89
Expenditures	0.00
Balance in Bank	24,141.48

Water Fund - 06

Balance in Bank	210,657.77
Receipts	56,178.92
Expenditures	69,204.63
Balance in Bank	197,632.06

Sewer Fund - 08

Balance in Bank	427,135.39
Receipts	44,134.68
Expenditures	51,150.97
Balance in Bank	420,119.10

Recreation Fund - 09

Balance in Bank	83,464.10
Receipts	3.05
Expenditures	222.64
Balance in Bank	83,244.51

Colonial Corners Fund - 13

Balance in Bank	91,771.43
Receipts	1,534.08
Expenditures	0.00
Balance in Bank	92,305.51

Capital Construction - Water Fund - 15

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

Capital Construction - Sewer Fund- 16

Balance in Bank	295,296.30
Receipts	108.97
Expenditures	0.00
Balance in Bank	295,405.27

Capital Improvement - General Fund - 17

Balance in Bank	250,127.86
Receipts	202,921.51
Expenditures	32,602.83
Balance in Bank	420,446.54

Capital Improvement - Recreation Fund – 18

Balance in Bank	15,344.26
Receipts	6.31
Expenditures	0.00
Balance in Bank	15,350.57

Capital Improvement-Water Fund - 20

Balance in Bank	621,488.57
Receipts	23,709.51
Expenditures	1,289.78
Balance in Bank	643,908.30

Capital Improvement – Sewer Fund 30

Balance in Bank	259,417.24
Receipts	202.87
Expenditures	397.86
Balance in Bank	259,417.24

Liquid Fuels Fund - 35

Balance in Bank	44,635.20
Receipts	2.55
Expenditures	0.00
Balance in Bank	44,637.75

Land Development Escrow - 40

Balance	6,363.36
Receipts	2.62
Expenditures	0.00
Balance in Fund	6,365.98

Petty Cash Fund

Balance in Bank	212.50
Receipts	114.41
Expenditures	0.00
Balance	212.50

Payroll Account	
Balance in Bank	1,758.83
Receipts	89,225.73
Expenditures	90,752.76
Balance in Bank	231.80

Public Utilities - Water, Keith Endy

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

During the month of December 2009, a total of 21,764,000 gallons of water was processed through the water filter plant for an average of 725,000 gallons per day.

The totals came from these sources:

Trout Run	4,781,000
Ironstone	3,441,000
Boyertown Reservoir	13,542,000
Pumping from Trout Run	10 days
Pumping from Ironstone	15 days

Trout Run is at a level of 595.92 feet with approximately 303,000,000 gallons of water. The current level at the Boyertown Reservoir is 37.40 feet with approximately 32,000,000 gallons of water. Total precipitation in December is 6.2 inches.

Public Utilities – Sewer, Keith Endy

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

	Average Effluent	NPDES Maximum Allowed
B.O.D.	3.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.3 mg/l	4.8 mg/l
Phosphorus	.83 mg/l	1.5 mg/l
Suspended Solids	7.1 mg/l	20.0 mg/l

	Average Weekly	NPDES Maximum Allowed
Fecal Coliform	9/100 mg/l	200/100 mg/l

The average daily flow at the Wastewater Treatment Plant during the month of December was 800,000 gallons.

Public Works, Gene Gabel

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

During the month of December 2009, Street Department personnel performed maintenance work on streets and alleys, plowed and salted as needed, and performed routine maintenance on borough vehicles and equipment.

Mr. Gabel then made a motion, seconded by Mr. Endy, to ratify the execution by the Borough Manager of Contract Change Order No. 2 with Drumheller Construction Company, Inc. for a credit of \$2,540 for the ADA Curb Ramps Phase 4. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Christman, 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. Mest, to authorize the Borough Manager to execute the amendment to the Irrevocable Letter of Credit Number 64024319 issued by Bank of America for the Boyertown Foundry Company decreasing the credit from \$55,900.00 to \$8,385.00. The roll call vote reflected the following members voting “yes”: Mr. Maloney, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Public Communication, Barry Christman

No Report

Park and Recreation Board, Lori Carnes

No Report

Planning,

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

Bursich Associates issued one zoning permit, two building permits and one electrical permit. 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 no permits issued during the month of December.

Police and Public Safety, Terry Mest

No Report

Police Activities, Mayor Marianne Deery

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

Calls for Service	205
Traffic Complaints	63
Non-Traffic Complaints	85
Traffic Arrests	18
Non Traffic Arrests	11

Mayor Deery then submitted the Mayor's Activity Report for the month of December. Mayor Deery participated in a skateboard video for the YMCA, attended the ribbon cutting ceremony for Serenity Junction, and Boyertown Family Restaurant, participated in the Holiday Open House Tour, attended the Borough's annual holiday dinner for employees and volunteers, attended meetings of the BBB, performed a wedding, and took the Oath of Office from District Justice Michael Hartman.

Building a Better Boyertown, Heather Oxenford Main Street Manager

Mrs. Oxenford reported that the 2010 BBB event dates have been submitted to Chief Leatherman and Mrs. Spaide.

Mr. Haddad informed Council that a hearing before Judge Schmehl concerning the sale of the Boyertown Community Center property located on West Philadelphia Avenue is scheduled on January 13th. Mr. Haddad also noted that a public hearing was held at Borough Hall, no public appeared to provide comments to the Community Center Board of Directors.

Mr. Haddad noted that PennDOT will award a contract in January for the installation of ADA compliant ramps on Philadelphia and Reading Avenues. Mr. Haddad noted that PennDOT will only install ramps at street intersections. He further noted that there are several driveways within the Crossroads Project area that are required to be ADA compliant unless an engineer can certify that compliance cannot be achieved. Mr. Haddad requested Council consider allowing The Pidcock Company to review the matter along with Gilmore Associates.

Mr. Haddad also requested Council consider waiving the building permit fee, which covers the cost of inspection of the installation of the Playground for Everyone equipment. Mrs. Spaide advised Council that she would ask the Building Code Official to provide her with a cost to inspect the installation. Mrs. Spaide further noted that she is not certain that a permit application has been submitted.

Mr. Deery called for public comment and recognized Mr. Leister who stated his opposition to the sale of the Boyertown Community Center.

There being no further business to conduct a motion to adjourn the meeting at 7:55 p.m. was made by Mrs. Carnes and seconded by Mr. Gabel. The next meeting of Boyertown Borough Council is scheduled for Monday, February 1st, 2010 at 7:00 p.m.

Respectfully submitted,

Patricia A. Spaide
Borough Secretary