

**BOROUGH OF BOYERTOWN COUNCIL MEETING**  
**February 1, 2010**

The meeting of Boyertown Borough Council was called to order by Council President Frank Deery. Council members present in addition to Mr. Deery were, Patrick Maloney, Barry Christman, 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.

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

Mr. Deery then recognized Mr. Charles Haddad, of Building A Better Boyertown. Mr. Haddad discussed with the members the DCNR Heritage Grant Contract in the amount of \$30,000, which Building A Better Boyertown has obtained for restoration of the crane located on the former railroad property on South Washington Street now owned by the Borough. Mr. Haddad expressed his regret that during a recent meeting with three Borough elected officials he was informed that the borough does not want the BBB to proceed with the restoration project. Mr. Haddad noted that the elected officials expressed concerns regarding the uncertainty of the future use of the property and concern that the crane in its current location may not be conducive with a future land development plan. The elected officials are also concerned because the DCNR grant requires a deed restriction on the area of the property where the crane is located.

Mr. Haddad expressed to the members his concern regarding the return of grant money which Senator O'Pake was instrumental in providing. He also noted that the BBB remains interested in pursuing restoration of the crane and obtaining from the borough a 6,400 square foot easement for the property surrounding the crane. Mr. Haddad further noted that the DCNR deed restriction on the property can be lifted at any time in the future by reimbursement of the grant funds to the DCNR.

Following a lengthy discussion by members of Council, Mr. Deery made a motion, seconded by Mr. Gabel, to authorize the committee of Borough Council composed of Council members Keith Endy, Frank Deery, and Lori Carnes to continue to work with the BBB concerning the DCNR grant and restoration of the crane and an easement for 6,400 square feet of the property. 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, seconded by Mr. Gabel, to approve the minutes of the January 4<sup>th</sup>, 2010 meeting 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 January, 2010. 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	\$ 200,000.00
Receipts	23,389.08
Expenditures	87,179.89
Balance in Bank	136,209.19
Tank Maintenance Fund - 04	
Balance in Bank	229,044.49
Receipts	2,188.09
Expenditures	0.00
Balance in Bank	231,232.58
Town Center Fund – 05	
Balance in Bank	24,141.48
Receipts	959.19
Expenditures	0.00
Balance in Bank	25,100.67
Water Fund - 06	
Balance in Bank	197,632.06
Receipts	137,480.76
Expenditures	71,498.97
Balance in Bank	263,613.85
Sewer Fund - 08	
Balance in Bank	420,119.10
Receipts	67,281.00
Expenditures	54,827.62
Balance in Bank	432,572.48

Recreation Fund - 09	
Balance in Bank	83,244.51
Receipts	47.25
Expenditures	0.00
Balance in Bank	83,291.76
Colonial Corners Fund - 13	
Balance in Bank	92,305.51
Receipts	1,701.00
Expenditures	0.00
Balance in Bank	94,006.51
Capital Construction - Sewer Fund- 16	
Balance in Bank	295,405.27
Receipts	122.99
Expenditures	0.00
Balance in Bank	295,528.26
Capital Improvement - General Fund - 17	
Balance in Bank	420,446.54
Receipts	101.87
Expenditures	39,577.70
Balance in Bank	380,970.71
Capital Improvement - Recreation Fund – 18	
Balance in Bank	15,350.57
Receipts	6.52
Expenditures	0.00
Balance in Bank	15,357.09
Capital Improvement-Water Fund - 20	
Balance in Bank	643,908.30
Receipts	5,297.81
Expenditures	27,251.65
Balance in Bank	621,954.46
Capital Improvement – Sewer Fund 30	
Balance in Bank	259,417.24
Receipts	194.06
Expenditures	0.00
Balance in Bank	259,611.30

Liquid Fuels Fund - 35	
Balance in Bank	44,637.75
Receipts	24.49
Expenditures	9,341.36
Balance in Bank	35,320.88
Land Development Escrow - 40	
Balance	6,365.98
Receipts	2.70
Expenditures	0.00
Balance in Fund	6,368.68
Petty Cash Fund	
Balance in Bank	212.50
Receipts	0.00
Expenditures	0.00
Balance	212.50
Payroll Account	
Balance in Bank	231.80
Receipts	50,934.16
Expenditures	49,911.14
Balance in Bank	1,254.82

Mrs. Carnes then made a motion, seconded by Mr. Maloney, to authorize the Borough Manager to advertise for adoption on March 1<sup>st</sup>, 2010 Ordinance Number 01-10 amending Chapter 174, Entitled Taxation, to permit a per capita tax exoneration for full time students. 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.

Mrs. Carnes also made a motion, seconded by Mr. Gabel, to approve Resolution Number 02-01-10 establishing Borough Fees. 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.

Mrs. Carnes then made a motion, seconded by Mr. Christman, to grant the request for a refund of the Local Services Tax paid by the taxpayer listed in a memo from the Borough Manager dated January 27, 2010. 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.

Mrs. Carnes also made a motion to approve Resolution 02-01-10A authorizing the filing of a proposal for funds with the Department of Community and Economic Development for the continuance of the Main Street Program. 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 Utilities - Water, Keith Endy**

The following Water Supply and Use Report was submitted for the month of January 2010:

During the month of January 2010, a total of 19,208,000 gallons of water was processed through the water filter plant for an average of 711,000 gallons per day.

The totals came from these sources:

Trout Run	3,917,000
Ironstone	-0-
Boyertown Reservoir	15,291,000
Pumping from Trout Run	15 days
Pumping from Ironstone	0 days

Trout Run is at a level of 598.67 feet with approximately 335,000,000 gallons of water. The current level at the Boyertown Reservoir is 35.25 feet with approximately 27,700,000 gallons of water. Total precipitation in January is 1.4 inches.

**Public Utilities – Sewer, Keith Endy**

The following Wastewater Treatment Report was submitted for the month of January 2010:

	<b>Average Effluent</b>	<b>NPDES Maximum Allowed</b>
B.O.D.	8.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.7 mg/l	4.8 mg/l
Phosphorus	1.18 mg/l	1.5 mg/l
Suspended Solids	5.3 mg/l	20.0 mg/l

  

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

The average daily flow at the Wastewater Treatment Plant during the month of January was 580,000 gallons.

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

The following report on the activities of the Street Department personnel during the month of January, 2010 was submitted:

During the month of January 2010, Street Department personnel performed maintenance work on streets and alleys, plowed and salted as needed, collected Christmas trees, resumed brush clean up at the community park, and performed routine maintenance on borough vehicles and equipment.

Mr. Gabel then made a motion, seconded by Mr. Endy, to waive the building permit fee for the Rotary Club project "A Playground for Everyone" and to assume the cost of the required Uniform Construction Code Inspections up to a maximum of \$550. 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 appoint Frank Deery to the Planning Commission to complete the unexpired term of Raynard Spaide, term to expire January 2014. 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.

Discussion then ensued concerning a lease for the twelve parking spaces formerly leased by Curves. Mr. Deery noted that Curves terminated their lease with the borough effective January 31<sup>st</sup>, 2010. Duffy Moon, LLC, owner of 128 East Philadelphia Avenue, have communicated in writing to the borough that they are interested in leasing the twelve spaces. Mr. Jared Isaacs, owner of 130 East Philadelphia Avenue, is also interested in leasing parking spaces from the Borough.

A lengthy discussion ensued, which included Mr. Isaacs, who was in attendance at the meeting. Mr. Isaacs stated an interest in leasing six of the twelve spaces formerly leased by Curves, and noted that Country Home Real Estate is interested in leasing the remaining six spaces. It was noted that Country Home Real Estate currently has a lease with the borough for six parking spaces adjacent to the alley. Mr. Isaacs noted that Country Home Real Estate would agree to terminate their current lease with the Borough and that Duffy Moon LLC could lease those six spaces, which are closer to their building at 128 East Philadelphia Avenue.

Following all discussion, Mr. Deery made a motion, seconded by Mr. Gabel, to authorize the solicitor to draft three separate lease agreements for six parking spaces; lessee will be Duffy Moon LLC, Country Home Real Estate, and Mr. Jared Isaacs. The roll call vote reflected the following members voting “yes”: Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. Mr. Maloney abstained because he has a financial interest in Duffy Moon LLC. The motion was approved.

**Public Communication, Barry Christman**

Mr. Christman made a motion, seconded by Mrs. Carnes, to authorize the Borough Manager to reschedule the February 16<sup>th</sup>, 2010 meeting of the Public Works, Utilities and Communications Committees to be held on February 17<sup>th</sup>, 2010 and to authorize the Borough Manager to advertise the change in meeting dates. 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.

**Park and Recreation Board, Lori Carnes**

Mrs. Carnes reported that the Park and Recreation Board is in the process of preparing the Sensational Summer Sponsorship mailing, and planning the 2010 summer events.

**Planning,**

The following Code Enforcement Report for the month of January 2010, as provided by Bursich Associates and the Miscellaneous Permit Report were submitted:

Bursich Associates issued four 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 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 January 2010 was submitted:

Calls for Service	243
Traffic Complaints	110
Non-Traffic Complaints	85
Traffic Arrests	100
Non Traffic Arrests	10

Mayor Deery then submitted the Mayor's Activity Report for the month of January. Mayor Deery attended separate luncheon meetings with Mr. Carl Staples, Berks County Operations Officer, and Mr. Dion Betts, Superintendent of the Boyertown Area School District.

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

Mrs. Oxenford reported that Dinner and A Movie Night will be held on Saturday, February 20<sup>th</sup>, 2010. Tickets are \$25.00.

Mr. Deery then announced that Council would recess to executive session to discuss a litigation matter.

Upon reconvening, it was announced that during the executive session council discussed one matter relating to litigation. No council action will be taken at this time.

There being no further business to conduct a motion to adjourn the meeting at 8:55 p.m. was made by Mr. Christman and seconded by Mr. Gabel. The next meeting of Boyertown Borough Council is scheduled for Monday, March 1<sup>st</sup>, 2010 at 7:00 p.m.

Respectfully submitted,

Patricia A. Spaide  
Borough Secretary