

**BOROUGH OF BOYERTOWN COUNCIL MEETING**  
**October 3, 2022**

The regular meeting of the Boyertown Borough Council was called to order at 7:00 p.m. by Council President Frank Deery. Present in addition to Mr. Deery were Charles Heller, Barry Christman, Keith Endy, Charles Neubauer and Gene Gabel. Council member Jeffrey Cascino was absent.

Also in attendance were Lorraine Carnes, Mayor; Patricia Loder, Borough Manager; Christopher Hartman, Solicitor; Ellen Martignetti, BaBB Main Street Manager; and interested citizens.

All rose for the Pledge of Allegiance.

Mr. Deery made a motion, second by Mr. Gabel, to approve the minutes of the September 6<sup>th</sup>, 2022 meeting of Council. The motion was approved.

**Finance, Charles Heller**

Mr. Heller made a motion, second by Mr. Neubauer, to approve the lists of Revenues, Expenditures and Bills for September 2022. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel and Mr. Deery. The motion was approved.

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 8/31/2022	\$ 772,785.78
Receipts	155,986.39
Expenditures	80,349.62
Balance in Bank 9/30/2022	\$ 848,422.55
Tank Maintenance Fund - 04	
Balance in Bank 8/31/2022	\$ 451,130.54
Receipts	966.36
Expenditures	0.00
Balance in Bank 9/30/2022	\$ 452,096.90
Water Fund – 06	
Balance in Bank 8/31/2022	\$ 600,642.10
Receipts	575,703.23
Expenditures	392,769.10
Balance in Bank 9/30/2022	\$ 783,576.23

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Sewer Fund – 08

Balance in Bank 8/31/2022	\$ 462,791.23
Receipts	277,954.90
Expenditures	196,397.50
Balance in Bank 9/30/2022	\$ 544,348.63

Recreation Fund – 09

Balance in Bank 8/31/2022	\$ 109,624.13
Receipts	209.15
Expenditures	0.00
Balance in Bank 9/30/2022	\$ 109,833.28

Colonial Corners Fund – 13

Balance in Bank 8/31/2022	\$ 28,968.71
Receipts	985.53
Expenditures	283.00
Balance in Bank 9/30/2022	\$ 29,671.24

Trail Feasibility Study Fund – 15

Balance in Bank 8/31/2022	\$ 3,514.00
Receipts	6.56
Expenditures	0.00
Balance in Bank 9/30/2022	\$ 3,520.56

Capital Improvement General Fund – 17

Balance in Bank 8/31/2022	\$1,725,241.97
Receipts	79,341.48
Expenditures	48,118.66
Balance in Bank 9/30/2022	\$1,756,464.79

Forest Management – 19

Balance in Bank 8/31/2022	\$ 132,046.85
Receipts	282.85
Expenditures	0.00
Balance in Bank 9/30/2022	\$ 132,329.79

Capital Improvement Water Fund – 20

Balance in Bank 8/31/2022	\$ 954,372.81
Receipts	82,558.06
Expenditures	112,667.88
Balance in Bank 9/30/2022	\$ 924,262.99

Capital Improvement Sewer Fund – 30	
Balance in Bank 8/31/2022	\$ 373,891.91
Receipts	800.90
Expenditures	0.00
Balance in Bank 9/30/2022	\$ 374,692.81
Liquid Fuels Fund – 35	
Balance in Bank 8/31/2022	\$ 154,586.75
Receipts	329.69
Expenditures	0.00
Balance in Bank 9/30/2022	\$ 154,916.44
American Rescue Plan – 95	
Balance in Bank 8/31/2022	\$ 214,948.42
Receipts	214,186.79
Expenditures	0.00
Balance in Bank 9/30/2022	\$ 429,135.21

Mr. Heller made a motion, second by Mr. Endy, to authorize the transfer of the American Rescue Plan Fund balance into the General Fund, and to close the American Rescue Plan Fund; the current ARP Fund balance is \$428,676.22. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel and Mr. Deery. The motion was approved.

Mr. Heller made a motion, second by Mr. Gabel, to acknowledge Jerri Koch’s successful completion of a 6-month probationary period and to hire Mrs. Koch as the full time Utility Billing/Payroll Clerk at an hourly pay rate of \$18.00. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Heller made a motion, second by Mr. Neubauer, to approve the 2023 Eastern Berks Regional Police Budget in a total amount of \$2,799,279.00; the Borough’s proportionate share of the budget is \$1,318,264.00. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, 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 August 2022:

During the month of August 2022, a total of 23,553,000 gallons of water was processed through the water filter plant for an average of 760,000 gallons per day.

The totals came from these sources:

Trout Run	37,876,000
Ironstone	-0-
Boyertown Reservoir	202,000
Pumping from Trout Run	31 days
Pumping from Ironstone	0 days

Trout Run is at a level of 597.17 feet with approximately 318,000,000 gallons of water. Popodickon Reservoir is at a level of 38 feet with approximately 34,200,000 gallons of water. Precipitation in August was 1.3 inches.

Mr. Endy made a motion, second by Mr. Heller, to approve Inframark LLC’s Contract Year #29 Budget in the amount of \$1,399,380.42 effective 10/01/2022 to 9/30/2023. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, 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 August 2022:

	<b>Average Effluent</b>	<b>NPDES Maximum Allowed</b>
BOD	3.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.05 mg/l	4.8 mg/l
Phosphorus	.60 mg/l	1.5 mg/l
Suspended Solids	4.00 mg/l	20.0 mg/l
	<b>Average Effluent</b>	<b>NPDES Maximum Allowed</b>
Fecal Coliform	14/100 mg/l	200/100 mg/l

The average daily flow at the Wastewater Treatment Plant during the month of August was 301,000 gallons.

**Public Works, Barry Christman**

The following report on the activities of the Street Department personnel during the month of September was submitted:

During the month of September Street Department personnel mowed grass, hot patched potholes in streets and alleys, cleaned catch basins, prepared the Community Park for the Duryea Day and Tractors in the Park events, and performed routine maintenance on borough buildings, equipment, and vehicles.

**House, Gene Gabel**

Mr. Gabel made a motion, second by Mr. Endy, to recommend the Zoning Hearing Board appoint Alexander J. Elliker, 316 W Main Street, Kutztown, PA as the Zoning Hearing Board Solicitor. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel and Mr. Deery. The motion was approved.

Mr. Gabel made a motion, second by Mr. Neubauer, to authorize the Council President to execute the Memorandum of Understanding with the Berks County Conservation District. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

**Public Communication, Jeffrey Cascino**

No report.

**Park and Recreation Board, Barry Christman**

Mr. Christman reminded everyone that the board is holding a Fall Festival Event at the Community Park on Sunday, October 16<sup>th</sup> between the hours 3:00 p.m. to 6:00 p.m.

**Planning Commission, Charles Neubauer**

The following Code Enforcement Report for the month of September 2022, as provided by Systems Design Engineering, Inc. was submitted. SDE issued two UCC Permits during the month of September. Forty four rental units were inspected and numerous notices of violation were issued for property maintenance code violations. The miscellaneous permit report reflected the issuance of one street opening permit and three yard sale permits.

**Police and Public Safety, Charles Neubauer**

Mr. Neubauer made a motion, second by Mr. Heller, to approve a handicap parking space at 392 South Reading Avenue. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel and Mr. Deery. The motion was approved.

Mr. Neubauer made a motion, second by Mr. Gabel, to approve a handicap parking space at 420 East Fourth Street conditioned upon receipt of proof that PennDOT has issued the resident a handicap parking placard. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel and Mr. Deery. The motion was approved.

## **Police Activities, Mayor Lorraine Carnes**

The following Police Activities Report for the month of September 2022 was submitted:

Total Incidents	209
Criminal Arrests	12
Vehicle Arrests	91
Accidents	12

The Borough Parking Enforcement Officer issued 84 parking meter tickets and 36 time limit parking tickets.

Mayor Carnes reported on the Mayor's activities during the Month of September. The report reflected the Mayor's attendance at meetings of the Borough; a Community Leader Meeting, Rotary Club Meeting; BaBB Board of Directors Meeting; attendance at the Boyertown Alumni Band Patriot Day Concert; participation in the BaBB's Oktoberfest event; and performed a wedding ceremony at the Colebrookdale Railroad.

## **Building a Better Boyertown**

Mrs. Martignetti reviewed with Council a written report on the activities of the organization during the Month of September. Mrs. Martignetti noted that the Oktoberfest event was a success and they are now preparing for the Chillin' On Main event which is slated to be held on December 3<sup>rd</sup> between the hours of 10:00 a.m. and 2:00 p.m. Mrs. Martignetti also noted that she and Mark Evans, of Derck and Edson Architects and Planners, will attend the October meeting of the Planning Commission to discuss with the Commission an overlay district.

## **Solicitor**

Mr. Hartman then reviewed with the members Resolution Number 10-03-2022 to implement Act 57 of 2022 Property Tax Penalty Waiver provisions. Mr. Hartman advised that the state legislature passed Act 57 in response to a perceived issue with new property owners not receiving their real estate tax bill and subsequently being subject to the late payment charge. Act 57 authorizes tax collectors beginning January 1, 2023 to grant a request to waive additional charges for real estate taxes if the taxpayer meets specific criteria. The taxpayer must complete a form provided by the state Department of Community and Economic Development to the Tax Collector within twelve months of a qualifying event, and must attest that a tax notice was not received. In addition, the taxpayer must provide a copy of the deed showing the date of real property transfer; and pay the face value amount of the notice for the real estate tax with the waiver request.

Following discussion, a motion to approve Resolution Number 10-03-2022 was made by Mr. Deery, second by Mr. Heller. The roll call vote reflected the following members voting "yes": Mr. Heller, Mr. Christman, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Deery called for public comment and recognized Mr. Harlen Snyder who reviewed with Council an alternative right of way across Borough owned property on Pine Road. Mr. Harlan noted that the right of way location suggested by the Borough will not work because of sight distance concerns and parts of the area being too wet. Mr. Snyder is proposing the use of an existing fire lane. Mr. Snyder will instruct his surveyor to provide the Borough with a plan of the alternate right of way.

Mr. Deery then recognized Mr. Paul Eckert a resident of Rhoads Avenue. Mr. Eckert reviewed with Council cost estimates for the use of horticultural vinegar products for weed control in the public right of way. Mr. Eckert suggested employing students or part-time workers to assist the Public Works Department with weed control noting that use of horticultural vinegar product will require three applications per growing season.

There being no further business to conduct, a motion to adjourn the meeting at 7:50 p.m. was made by Mr. Neubauer, second by Mr. Heller. The next meeting of Boyertown Borough Council will be held on Monday, November 7<sup>th</sup>, 2022 at 7:00 p.m.

Respectfully submitted,

Patricia A. Loder  
Borough Secretary