

BOROUGH OF BOYERTOWN COUNCIL MEETING
February 7, 2022

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

Also in attendance were Lori Carnes, Mayor; Patricia Loder, Borough Manager; Christopher Hartman, solicitor; Jillian MaGee, Main Street Manager; and numerous interested citizens.

All rose for the Pledge of Allegiance.

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

Mr. Deery then announced the bid opening for the sale of Borough owned real estate at 25 South Reading Avenue. Sealed bids were due to be submitted by 4:00 p.m. February 7th, 2022. Two bids were received and opened at this time. The high bid was submitted by William E. Flederbach, Jr. in the amount of \$367,500. Following a brief discussion, a motion was made by Mr. Deery, second by Mr. Heller, to award the bid to William E. Flederbach, Jr. in the amount of \$367,500 subject to compliance with all terms and conditions listed in the advertised public notice of sale of real estate. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Cascino made a motion to approve the minutes of the January 3rd, 2022 meeting of Council. The motion was second by Mr. Gabel, and approved.

Finance, Charles Heller

Mr. Heller made a motion, second by Mr. Neubauer, to approve the lists of Revenues, Expenditures and Bills for January 2022. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, 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	\$202,239.09
Receipts	107,684.63
Expenditures	49,792.43
Balance in Bank	\$260,131.29
Tank Maintenance Fund – 04	
Balance in Bank	\$448,650.28
Receipts	15.65
Expenditures	0.00
Balance in Bank	\$448,665.93

Water Fund – 06	
Balance in Bank	\$506,933.52
Receipts	284,693.70
Expenditures	361,447.91
Balance in Bank	\$430,179.31
Sewer Fund – 08	
Balance in Bank	\$365,672.72
Receipts	235,074.85
Expenditures	196,711.17
Balance in Bank	\$404,036.40
Recreation Fund – 09	
Balance in Bank	\$ 97,102.71
Receipts	3.39
Expenditures	0.00
Balance in Bank	\$ 97,106.10
Colonial Corners Fund – 13	
Balance in Bank	\$ 29,068.89
Receipts	1,351.01
Expenditures	244.60
Balance in Bank	\$ 30,175.30
Trail Feasibility Study Fund – 15	
Balance in Bank	\$ 3,500.22
Receipts	0.03
Expenditures	0.00
Balance in Bank	\$ 3,500.25
Capital Improvement – General Fund – 17	
Balance in Bank	\$2,185,506.92
Receipts	76.25
Expenditures	34,726.71
Balance in Bank	\$2,150,856.46
Forest Management – 19	
Balance in Bank	\$131,320.88
Receipts	4.58
Expenditures	0.00
Balance in Bank	\$131,325.46
Capital Improvement – Water Fund – 20	
Balance in Bank	\$1,125,793.64
Receipts	39.28
Expenditures	0.00
Balance in Bank	\$1,125,832.92

Capital Improvement – Sewer Fund – 30	
Balance in Bank	\$371,836.29
Receipts	12.97
Expenditures	0.00
Balance in Bank	\$371,849.26
Liquid Fuels Fund - 35	
Balance in Bank	\$ 57,070.92
Receipts	1.99
Expenditures	0.00
Balance in Bank	\$ 57,072.91
American Rescue Plan - 95	
Balance in Bank	\$213,096.73
Receipts	7.43
Expenditures	0.00
Balance in Bank	\$213,104.16

Mr. Heller made a motion, second by Mr. Endy, to approve Change Order #1 Borough Hall Renovation Project in the amount of \$13,174.00. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Heller made a motion, second by Mr. Gabel, to approve Resolution Number 02-07-2022 establishing a schedule of fees for permits, licenses and water and sewer rates. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, 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 December 2021:

During the month of December 2021, a total of 20,090,000 gallons of water was processed through the water filter plant for an average of 648,000 gallons per day.

The totals came from these sources:

Trout Run	22,913,000
Ironstone	-0-
Boyertown Reservoir	2,871,000
Pumping from Trout Run	31 days
Pumping from Ironstone	0 days

Trout Run is at a level of 594.92 feet with approximately 294,000,000 gallons of water. Popodickon Reservoir is at a level of 38 feet with approximately 34,600,000 gallons of water. Precipitation in December was 1.2 inches.

Public Utilities – Sewer, Keith Endy

The following Wastewater Treatment Report was submitted for the month of December 2021:

	Average Effluent	NPDES Maximum Allowed
B.O.D	3.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.12 mg/l	1.6 mg/l
Phosphorus	.74 mg/l	1.5 mg/l
Suspended Solids	7.0 mg/l	20.0 mg/l

	Average Effluent	NPDES Maximum Allowed
Fecal Coliform	6/100 mg/l	200/100 mg/l

The average daily flow at the Wastewater Treatment Plant during the month of December was 271,000 gallons.

Public Works, Barry Christman

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

During the month of January Street Department personnel salted and plowed streets removed snow from Borough owned sidewalks in response to three snow events, collected Christmas trees, constructed shelving units for the Borough Hall storage area, removed the Pickleball court nets and wind screen, and performed routine maintenance on borough buildings, equipment and vehicles.

Mr. Christman made a motion, second by Mr. Neubauer, to approve the purchase of a 48” Drop Spreader from Erb & Henry Equipment, Inc. at a cost of \$4,005.00. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

House, Gene Gabel

Mr. Gabel made a motion, second by Mr. Christman, to appoint Christopher Mackey, 122 College Street to the Park and Recreation Board, term to expire 2026. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Gabel made a motion, second by Mr. Heller, to accept the resignation of Ashley Neubauer from the Park and Recreation Board effective immediately. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Gabel made a motion, second by Mr. Cascino, to appoint Charles Wohl to a 3 year term on the Boyertown Community Library Board of Directors, term to expire January 15, 2025. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Gabel made a motion, second by Mr. Neubauer, to appoint Sara Bates to a 3 year term on the Boyertown Community Library Board of Directors, term to expire January 15, 2025. The roll call reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Gabel made a motion, second by Mr. Christman, to appoint Charles Neubauer to a 2-year term on the Boyertown Community Ambulance Board of Directors as the Borough Representative term to expire 2024. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Public Communications,

No report

Park and Recreation Board, Barry Christman

Mr. Christman reported that the Board held their first meeting of the year on January 19th. The annual Earth Day event is scheduled to be held on April 23rd, and an electronics recycling event will be held on April 30th. Fun Days is slated to be held on June 2, 3 and 4. Mr. Christman noted that the Board is considering a fall event; however, plans for the event have not been finalized.

Planning, Frank Deery

The following Code Enforcement Report for the month of January 2022, as provided by Systems Design Engineering, Inc. was submitted:

SDE issued three UCC Permits and two Zoning Permits during the month of January. The Code Enforcement Officer handled numerous property maintenance code concerns, and inspected twenty three rental units.

Police and Public Safety, Charles Neubauer

Mr. Neubauer made a motion, second by Mr. Gabel, to approve the closure of Walker Drive on Sunday, September 11th, 2022 between the hours of 9:00 a.m. to 2:00 p.m. for the 2nd Annual Boyertown American Legion Car Show, conditioned on traffic control being handled by BAF&R personnel, and receipt of a Certificate of Liability Insurance naming the borough additional insured. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Neubauer made a motion, seconded by Mr. Heller, to approve Resolution Number 02-07-2022A authorizing the designation of a parking space for handicapped persons on South Monroe Street for Patricia A. Petitti Accounting and Financial Services. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, 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 January 2022 was submitted:

Total Incidents	204
Criminal Arrests	3
Vehicle Arrests	37
Accidents	10
Parking Tickets	11
Written Warnings	9

Mayor Carnes reported that during the month of January she addressed a local Boy Scout Troop on the responsibilities associated with the position of Mayor in a Borough.

Building a Better Boyertown, Jillian Magee, Main Street Manager

Ms. Magee reviewed a report on the activities of Building a Better Boyertown during the month of January. A summary of those activities includes the appointment of new board member Ryan Stone, a last call for applications for façade grants, and researching for grants by the Design Committee for assistance in obtaining a building for the Farmers Market.

Ms. Magee and Mrs. Ellen Martinetti then discussed with Council a new event they have planned which they call “Boyertown Days”. The event is planned for Saturday, May 21, 2022 between the hours of 10:00 a.m. and 4:00 p.m. The event is an activity based event designed to recognize the history of Boyertown. It will include casket races, a rock climbing wall, teddy bear making, and a batting cage. Ms. Magee addressed the Police and Public Safety Committee about this event at their February 2nd meeting requesting the committee’s permission to hold the event on North Reading Avenue between Fifth Street and Philadelphia Avenue, and South Reading Avenue between Third Street and Philadelphia Avenue. For public safety reasons the Committee did not agree to close North and South Reading Avenue for the event, but did agree to consider permitting the event to be held in the Town Center Parking Lot and allowing the use of Boyer Alley for the casket races. Mrs. Martinetti asked the members to reconsider allowing the event to be held on North and South Reading Avenues. The committee affirmed their concern for public safety and did not agree to authorize the closure of Reading Avenue for the event.

Discussion continued on the subject of where to hold the event with several alternative locations discussed including North or South Walnut Street, and the Town Center Parking Lot using Third Street for the casket races rather than Boyer Alley, which BaBB feels is not wide enough to hold the race. BaBB also discussed their plan to have alcohol at the event. Mrs. Loder stated that she believes the ordinance authorizing the consumption of alcohol in the Town Center Parking Lot is specific to the Oktoberfest event. Miss Magee agreed to set up the alcohol tent in the railroad yard and not in the Town Center Parking Lot. At the conclusion of the discussion, a motion was made by Mr. Neubauer, second by Mr. Deery, to authorize Building a Better Boyertown to hold an event entitled Boyertown Days in the Town Center Parking Lot on May 21st, 2022 between the hours of 10:00 a.m. to 4:00 p.m., to authorize the use of Boyer Alley as a staging area for the casket races between the hours of 10:00 a.m. to 4:00 p.m. and to authorize the closure of East Third Street from Reading Avenue to Chestnut Street for the

purpose of holding the casket race between the hours of 10:00 a.m. to 4:00 p.m., subject to the BaBB providing the Borough with a certificate of liability insurance naming the Borough additional insured, and the alcohol tent located on the railroad yard. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Solicitor

The members considered a request for a 22’ right of way across Borough owned land on Pine Road, Earl Township. Mr. Harlen Synder, partner in ownership of a 12 acre land locked tract of land deeded in the name of Fairhill, Inc. submitted the request on behalf of the corporation. The Public Utilities Committee of Borough Council reviewed the ROW request at their last meeting and recommends that Borough Council consider the ROW conditioned upon the ROW following the boundary line of the Borough owned land and payment in the amount of \$10,000 for the granting of the ROW. Following discussion, a motion was made by Mr. Deery, second by Mr. Endy, to support the concept of granting the requested right of way conditioned upon the right of way following the boundary line of the Borough owned property, submission to the Borough of a survey and survey profile of the right of way, payment of \$10,000, and conditioned on final review of the survey and survey profile by Borough Council before execution of the right of way. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer, Mr. Gabel, and Mr. Deery. The motion was approved.

Topics for Discussion and Prioritization

- Issuance of U & O Permit Upon Transfer of Ownership
- Rental Property Registration
- Municipal Trash Collection
- Parking on North and South Sides of East Philadelphia Avenue
- Sidewalks & Curbing on East and West Philadelphia Avenues

A review of the above topics was discussed by the members for the purpose of prioritizing the subjects for consideration by Council. Following a lengthy discussion, the members determined that parking on the north and south sides of East Philadelphia Avenue will be the top priority and referred the topic to the Police and Public Safety Committee for discussion and determination on how to proceed.

Mr. Deery then announced that Council will recess to executive session to discuss a litigation matter. Upon reconvening it was announced that during executive session Borough Council discussed a single matter related to potential litigation and that no action will be taken by Council at this time.

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There being no further business to conduct, a motion to adjourn the meeting at 9:15 p.m. was made by Mr. Heller and seconded by Mr. Neubauer. The next meeting of Boyertown Borough Council will be held on Monday, March 7th, 2022 beginning at 7:00 p.m.

Respectfully submitted,

Patricia A. Loder
Borough Secretary