

BOROUGH OF BOYERTOWN COUNCIL MEETING

March 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 Loraine 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. Neubauer made a motion to approve the minutes of the February 7th, 2022 meeting of Council. The motion was second by Mr. Gabel, and approved.

Mr. Deery then recognized Mr. Charles Haddad who introduced to the members of Borough Council and Mayor Carnes the new President of the State Theatre Preservation Society, Mr. Jake Zimmers. Mr. Haddad will serve as Vice President. Mr. Haddad also noted that former Mayor Marianne Deery was recently appointed to the Board.

Finance, Charles Heller

Mr. Heller made a motion, second by Mr. Cascino, to approve the lists of Revenues, Expenditures and Bills for February 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	\$260,131.29
Receipts	46,751.27
Expenditures	120,314.52
Balance in Bank	\$186,255.98
Tank Maintenance Fund – 04	
Balance in Bank	\$448,665.93
Receipts	13.75
Expenditures	0.00
Balance in Bank	\$448,679.68
Water Fund – 06	
Balance in Bank	\$430,179.31
Receipts	91,830.35
Expenditures	150,227.58
Balance in Bank	\$371,732.08

Sewer Fund – 08	
Balance in Bank	\$404,036.40
Receipts	90,771.47
Expenditures	102,295.03
Balance in Bank	\$392,512.84
Recreation Fund – 09	
Balance in Bank	\$ 97,106.10
Receipts	2.98
Expenditures	0.00
Balance in Bank	\$ 97,109.08
Colonial Corners Fund – 13	
Balance in Bank	\$ 30,175.30
Receipts	985.88
Expenditures	0.00
Balance in Bank	\$ 31,161.18
Trail Feasibility Study Fund – 15	
Balance in Bank	\$ 3,500.22
Receipts	0.03
Expenditures	0.00
Balance in Bank	\$ 3,500.28
Capital Improvement – General Fund – 17	
Balance in Bank	\$2,150,856.46
Receipts	64.82
Expenditures	129,425.84
Balance in Bank	\$2,021,495.44
Forest Management – 19	
Balance in Bank	\$131,325.46
Receipts	4.02
Expenditures	0.00
Balance in Bank	\$131,329.48
Capital Improvement – Water Fund – 20	
Balance in Bank	\$1,125,832.92
Receipts	34.50
Expenditures	0.00
Balance in Bank	\$1,125,867.42
Capital Improvement – Sewer Fund – 30	
Balance in Bank	\$371,849.26
Receipts	11.40
Expenditures	0.00
Balance in Bank	\$371,860.66

Liquid Fuels Fund - 35	
Balance in Bank	\$ 57,072.91
Receipts	1.63
Expenditures	8,915.58
Balance in Bank	\$ 48,158.96
American Rescue Plan - 95	
Balance in Bank	\$213,104.16
Receipts	6.53
Expenditures	0.00
Balance in Bank	\$213,110.69

Mr. Heller made a motion, second by Mr. Gabel, to authorize Building a Better Boyertown to file a Proposal for Main Street Program Designation with the Department of Community and Economic Development. 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. Endy, to authorize release of the \$7,471.87 held in escrow for the Boyertown High School Land Development Public Improvements. 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. Neubauer, to authorize an expenditure in an amount not to exceed \$250.00 toward the purchase of a television and a cart for the Emergency Operations Center. 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. Endy, to authorize a donation to Boyertown Area Fire & Rescue, Inc. in the amount of \$28,195.33 conditioned on Colebrookdale and Douglass-Berks Townships agreeing to donate their proportionate share to BAF&R. 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 Change Order #2 Borough Hall Renovation Project to extend the project completion date to July 23, 2022. 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. Heller made a motion, second by Mr. Endy, to approve Change Order #3 Borough Hall Renovation project in the amount of \$3,283.20 to make necessary changes to the layout due to unforeseen conditions. 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. Cascino, to approve Change Order #5 Borough Hall Renovation Project in the amount of \$832.29 to replace one Anderson casement window sash. 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. Christman, to approve Change Order #6 Borough Hall Renovation Project in the amount of \$9,450.01 to replace existing ceiling insulation with new R-38, FSK faced material. 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 January 2022:

During the month of January 2022, a total of 20,783,000 gallons of water was processed through the water filter plant for an average of 670,000 gallons per day.

The totals came from these sources:

Trout Run	20,768,000
Ironstone	-0-
Boyertown Reservoir	4,540,000
Pumping from Trout Run	31 days
Pumping from Ironstone	0 days

Trout Run is at a level of 594.92 feet with approximately 288,000,000 gallons of water. Popodickon Reservoir is at a level of 38 feet with approximately 34,200,000 gallons of water. Precipitation in January was 2.9 inches.

Public Utilities – Sewer, Keith Endy

The following Wastewater Treatment Report was submitted for the month of January 2022:

	Average Effluent	NPDES Maximum Allowed
B.O.D	3.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.17 mg/l	4.8 mg/l
Phosphorus	.92 mg/l	1.5 mg/l
Suspended Solids	5.0 mg/l	20.0 mg/l
	Average Effluent	NPDES Maximum Allowed
Fecal Coliform	39/100 mg/l	200/100 mg/l

The average daily flow at the Wastewater Treatment Plant during the month of January was 353,000 gallons.

Public Works, Barry Christman

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

During the month of February Street Department personnel salted and plowed streets, cleared snow from Borough owned sidewalks, repaired street signs that were damaged by high winds, cleaned catch basins, performed maintenance on parking meters, filled potholes, inspected playground equipment, and performed routine maintenance on borough buildings, equipment and vehicles.

House, Gene Gabel

Mr. Gabel made a motion, second by Mr. Neubauer, to approve Resolution Number 03-07-2022 authorizing submission of a Statewide Local Share Assessment Grant from the Commonwealth Financing Authority, and designating Frank J. Deery, Council President as the official authorized to execute all documents and agreements to facilitate and assist in obtaining the grant. 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, Jeffrey Cascino

Mr. Cascino reported that the Public Communications Committee is working on a new website for the Borough. Mr. Cascino has been in touch with Media Fusion and Civic Plus to begin discussion on the subject.

Park and Recreation Board, Barry Christman

Mr. Christman reported that the Board is currently planning the Earth Day Celebration which will be held at the Community Park on April 23rd, and an electronics recycling event, which will be held on April 30th at the Community Park. Mr. Christman also advised that the annual Fun Days event will be held on June 2, 3 and 4. The midway will be provided by Goodtime Amusements; entertainment includes Rosaire’s Royal Racing Pigs, Boyertown Alumni Band, and Jeff Krick-Elvis Impersonator.

Planning, Charles Neubauer

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

SDE issued one UCC Permit and one Zoning Permit during the month of February. The Code Enforcement Officer handled numerous property maintenance code concerns, and inspected fifty five rental units.

Police and Public Safety, Charles Neubauer

Mr. Neubauer made a motion, second by Mr. Gabel, to approve the BMBA Philadelphia Avenue Street Fair to be held on Philadelphia Avenue between Reading Avenue and Monroe Street between the hours of 10:00 a.m. to 4:00 p.m.; street closure 8:30 a.m. to 5:00 p.m. on June 11th, 2022 with a rain date of June 12th, 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.

Mr. Neubauer made a motion, second by Mr. Cascino, to designate No Parking on the north side of East Fifth Street for a distance of thirty feet west of Poplar Alley for a 90 day trial period. 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 February 2022 was submitted:

Total Incidents	190
Criminal Arrests	4
Vehicle Arrests	53
Accidents	7
Parking Tickets	107

Mayor Carnes reported on the Mayor’s activities during the month of February.

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 February. The Promotions Committee Beary Loved event was very successful, and the First Friday event theme was Women’s History. The next First Friday event will be held on April 1st. Ms. Magee also reported that they have received general approval of the 5 year plan from the Pennsylvania Downtown Center and they continue to work on completion of the designation package. Ms. Magee also reviewed with the members a possible grant opportunity to assist residents with paying for replacement of their public curb and sidewalk. The program involves a commitment from two businesses to contribute \$50,000 per year for five years. In return for this commitment the business would receive a tax credit of \$25,000. Ms. Magee also noted that the Multimodal Grant could also be used.

Solicitor

Mr. Harlen Snyder was recognized; he discussed with the members the matter of a right of way across Borough owned property on Pine Road in Earl Township. The right of way will provide access to a 12 acre land locked parcel of land in which Mr. Snyder is a partner in ownership. Conceptual support of the right of way was granted to Mr. Snyder at the February 7th meeting of Borough Council, conditioned upon the right of way following the boundary line

of the Borough owned property. Following consultation with a surveyor, Mr. Snyder is now requesting use of an existing fire lane. Mr. Snyder also inquired if Borough Council would consider allowing a second land locked parcel in which he also is a partner in ownership to use the right of way. Mr. Snyder stated that the parcel is a four acre parcel which he and his partners are considering selling.

Discussion was held on the request, and it was noted that there are two fire lanes on the Pine Road property. The fire lane Mr. Snyder is requesting use of, and a second fire lane in which the Borough has granted an easement for use to Berks County for access to their radio tower. Mr. Hartman stated that under the terms of a right of way agreement the Borough would have no obligation to maintain the fire lane and would continue to have the right to use it. Mr. Hartman also stated that the Borough's initial compensation for granting of the right of way was \$10,000. Council should consider increasing that if two parcels will use the right of way. Discussion was also held on relocation of the right of way if the right of way interferes with the Borough's future use of the property.

Following discussion, a motion was made by Mr. Deery, second by Mr. Neubauer, to agree to the modifications of terms of the Council's February 7th, 2022 conceptual agreement, to allow use of the fire lane in place of a right of way along the perimeter of the Borough's property; the Borough will have no right to maintain the right of way; the Borough may require the relocation of the right of way if in the future it interferes with the Borough's use of the property; the grantee must provide a survey to identify the right of way; the Borough reserves the right to increase the compensation for the right of way if it is to be used for access to two parcels of land; and the Borough may require the grantee to merge the two parcels of land into a single deed. 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. Deery then called for public comment and recognized Mr. Leister who questioned the reason for the trial period for a "no parking" area on East Fifth Street between Poplar Alley and Washington Street. Mr. Neubauer advised Mr. Leister that the trial "no parking" area was requested by Hot off the Press because tractor trailers are having difficulty making a right turn onto Fifth Street from Poplar Alley which is where the industry loading dock is located.

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

Upon reconvening, a motion was made by Mr. Neubauer, second by Mr. Gabel, to authorize the Council President to execute a grant of easement from the Redevelopment Authority of Berks County for relocation of a portion of the sewer force main subject to the solicitor, engineer, and manager's approval of the final wording of the easement; and conditioned upon the Authority's notification to the Borough of all construction activity and reimbursement of the Borough's engineering cost for inspection of the construction work. 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.

March 7, 2022
Page/8

There being no further business to conduct, a motion to adjourn the meeting at 8:15 p.m. was made by Mr. Heller and seconded by Mr. Neubauer. The next meeting of Boyertown Borough Council will be held on Monday, April 4th, 2022 beginning at 7:00 p.m.

Respectfully submitted,

Patricia A. Loder
Borough Secretary