

BOROUGH OF BOYERTOWN COUNCIL MEETING
June 6, 2022

The regular meeting of the Boyertown Borough Council was called to order at 7:03 p.m. by Council President Frank Deery. Present in addition to Mr. Deery were Vice-President Keith Endy, Charles Heller, Barry Christman, Jeff Cascino, Gene Gabel, and Charles Neubauer.

Also in attendance were Lorraine Carnes, Mayor; Christopher Hartman, Solicitor; Ellen Martignetti, BaBB Main Street Manager; Nathaniel Guest, Colebrookdale Preservation Railroad Trust; and interested citizens.

All rose for the Pledge of Allegiance.

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

Motion was made by Mr. Deery, second by Mr. Gabel, to approve the minutes of the May 2nd and May 23rd, 2022 meetings of Borough 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 May 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 4/30/2022	\$ 943,908.42
Receipts	358,341.59
Expenditures	176,932.05
Balance in Bank 5/31/2022	\$1,125,317.96
Tank Maintenance Fund - 04	
Balance in Bank 4/30/2022	\$ 448,927.28
Receipts	299.69
Expenditures	0.00
Balance in Bank 5/31/2022	\$ 449,226.97
Water Fund – 06	
Balance in Bank 4/30/2022	\$ 524,904.88
Receipts	58,533.17
Expenditures	135,027.83
Balance in Bank 5/31/2022	\$ 448,410.22

Sewer Fund – 08	
Balance in Bank 4/30/2022	\$ 456,382.90
Receipts	54,654.37
Expenditures	94,766.03
Balance in Bank 5/31/2022	\$ 416,271.24
Recreation Fund – 09	
Balance in Bank 4/30/2022	\$ 106,810.22
Receipts	1,399.36
Expenditures	15,169.50
Balance in Bank 5/31/2022	\$ 93,040.08
Colonial Corners Fund – 13	
Balance in Bank 4/30/2022	\$ 27,423.05
Receipts	558.33
Expenditures	1,276.72
Balance in Bank 5/31/2022	\$ 26,704.66
Trail Feasibility Study Fund – 15	
Balance in Bank 4/30/2022	\$ 3,500.73
Receipts	1.46
Expenditures	0.00
Balance in Bank 5/31/2022	\$ 3,502.19
Capital Improvement General Fund – 17	
Balance in Bank 4/30/2022	\$2,302,638.35
Receipts	8,625.61
Expenditures	242,381.38
Balance in Bank 5/31/2022	\$2,068,882.58
Forest Management – 19	
Balance in Bank 4/30/2022	\$ 131,401.95
Receipts	87.72
Expenditures	0.00
Balance in Bank 5/31/2022	\$ 131,489.67
Capital Improvement Water Fund – 20	
Balance in Bank 4/30/2022	\$1,060,433.67
Receipts	707.92
Expenditures	123,167.79
Balance in Bank 5/31/2022	\$ 937,973.80

Capital Improvement Sewer Fund – 30	
Balance in Bank 4/30/2022	\$ 372,065.87
Receipts	248.38
Expenditures	0.00
Balance in Bank 5/31/2022	\$ 372,314.25
Liquid Fuels Fund – 35	
Balance in Bank 4/30/2022	\$ 153,161.06
Receipts	776.25
Expenditures	0.00
Balance in Bank 5/31/2022	\$ 153,937.31
American Rescue Plan – 95	
Balance in Bank 4/30/2022	\$ 213,228.30
Receipts	142.35
Expenditures	0.00
Balance in Bank 5/31/2022	\$ 213,370.65

Mr. Heller made a motion, second by Mr. Cascino, to increase the 2022 donation to the Boyertown Community Ambulance from \$5,000 to \$20,000 and to confirm Council’s intent to annually budget a donation in the amount of \$20,000. 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 approve Resolution Number 06-06-2022 authorizing submission of a Statewide Local 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.

Mr. Heller made a motion, second by Mr. Gabel, to authorize the Borough Manager to execute Contract Agreement Change Order No. 1 with Gilmore and Associates, Inc. in the amount of \$5,000.00 for professional services to update and submit the DCED Multi Modal Fund Grant Application for the Main Street Streetscape Phase 2 Project. Mr. Neubauer commented a concern about the availability of funds versus number of applicants and questioned how much more money would be spent applying for this and constantly getting denied. 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 the Borough Manager to refund overpayment of 2022 Real Estate Taxes in the amount of \$414.96 to Sean Dimmick, 429 East Philadelphia Avenue. 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 authorize the Borough Manager to refund overpayment of 2022 Real Estate Taxes in the amount of \$8.83 to Christina Buskirk, 406 East Philadelphia Avenue. 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 authorize the Borough Manager to compensate the office staff at their regular hourly rate of pay for time lost due to the closure of the administrative office on election day. 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 April 2022:

During the month of April 2022, a total of 19,015,000 gallons of water was processed through the water filter plant for an average of 634,000 gallons per day.

The totals came from these sources:

Trout Run	14,969,000
Ironstone	-0-
Boyertown Reservoir	9,956,000
Pumping from Trout Run	30 days
Pumping from Ironstone	0 days

Trout Run is at a level of 599.920 feet with approximately 354,000,000 gallons of water. Popodickon Reservoir is at a level of 38 feet with approximately 34,600,000 gallons of water. Precipitation in April was 2.6 inches.

Public Utilities – Sewer, Keith Endy

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

	Average Effluent	NPDES Maximum Allowed
BOD	4.00 mg/l	20.0 mg/l
Ammonia Nitrogen	1.08 mg/l	4.8 mg/l
Phosphorus	1.02 mg/l	1.5 mg/l
Suspended Solids	4.00 mg/l	20.0 mg/l
	Average Effluent	NPDES Maximum Allowed
Fecal Coliform	17/100 mg/l	200/100 mg/l

Public Works, Barry Christman

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

During the month of May Street Department personnel mowed grass, performed maintenance work at the community park, cleaned catch basins, patched potholes, and performed routine maintenance on borough buildings, equipment, and vehicles.

Mr. Christman made a motion, second by Mr. Endy, to award the bid for the Rain Garden and Bump Out Project to Construction Master Services, LLC Sinking Spring, PA. in the amount of \$254,169.75 conditioned upon receipt of bonds and insurance acceptable to the Borough. 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. Neubauer, to commit to permitting the former ice skating rink at the Boyertown Community Park to be used for a total of six pickleball courts. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer and Mr. Deery. Mr. Gabel voted “no”. The motion was approved.

Mr. Gabel made a motion, second by Mr. Heller, to authorize the Council President to execute a Park Use Agreement with the Boyertown Museum of Historic Vehicles for the annual Duryea Day event to be held on Saturday, September 3, 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.

Public Communication, Jeffrey Cascino

Mr. Cascino made a motion, second by Mr. Neubauer, to authorize the Borough Manager to accept the website proposal submitted by CivicPlus for website development, annual hosting, and maintenance for a term of three years.

Mr. Heller commented that Mr. Cascino did a fantastic job at researching and finding the Borough the best options for the website. Solicitor Hartman asked about the fee structure and if there would be additional costs. Mr. Cascino explained that the fees for the three years includes everything including unlimited support and that their fee structure is structured over the three year commitment to assure proper costs. 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.

Park and Recreation Board, Barry Christman

Mr. Christman reported that Fun Days in the Park was held this past weekend and was well attended. He stated that Thursday was sketchy due to weather earlier in the day but the decision was made to open and the event was well attended. The comments were also made by Mr. Christman and President Deery that the park was cleaned up and back to normal by Sunday and the park looked great after holding such a large event.

Planning Commission, Charles Neubauer

The following Code Enforcement Report for the month of May 2022, as provided by Systems Design Engineering, Inc. was submitted. SDE issued five UCC Permits and two Zoning Permits during the Month of May. The Code Enforcement Officer handled numerous property maintenance code concerns, and inspected six rental units.

Police and Public Safety, Charles Neubauer

Mr. Neubauer made a motion, second by Mr. Cascino, to approve Ordinance Number 02-2022 amending the Code of the Borough of Boyertown, Chapter 184 Entitled Vehicles and Traffic, to add no parking on the west side of South Walnut Street from West Philadelphia Avenue to West Third Street. 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. Gabel, 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. Mr. Neubauer explained that the business that made the request stated the no parking has proved to be valuable; therefore, an extension of time is needed to allow the Solicitor time to draft the necessary ordinance for approval at a future Council Meeting. 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 May 2022 was submitted:

Total Incidents	233
Criminal Arrests	18
Vehicle Arrests	69
Accidents	19
Parking Tickets	41

Mayor Carnes reported on the Mayor's activities during the Month of May.

Building a Better Boyertown

Mrs. Martignetti advised Council that as of June 6, 2022 she was hired for the position of Main Street Manager. All applauded and congratulated her.

Mrs. Martignetti reviewed with Council a written report on the activities of the organization during the Month of May. Mrs. Martignetti reported that the number removal from the Coming Out of Hibernation event is progressing. They had a person attempt to use a pressure washer and it did remove some of the paint although there is still paint shadowing visible. They are currently working with some professional graffiti removal companies to finish the task. There is concern on the bricks that were painted due to the porosity of brick and that the paint may have soaked into the bricks making it difficult to get them clean. Mrs. Martignetti stated she may need the Borough to post no parking while a vendor comes in to use chemicals and pressure washers so vehicles do not get damaged. She will advise when that might be required when they get more details.

Mrs. Martignetti reported that the last evening market was cancelled due to weather and it was supposed to be a strawberry festival theme. It will be rescheduled in the future.

Ocktoberfest planning is progressing and they are currently working on securing food vendors and craft vendors. The BBB understands that the Borough approved the closure of the Town Center Lot on Friday September 23rd for setup, but wanted to be assured that it would be from 7:00 a.m. President Deery stated he would check on the timing.

The Facade Grant Applications are all fully allocated all work must be completed, invoiced and submitted to BBB by the end of June so they can resubmit all the documentation to the State for reimbursement: The following projects were approved through this grant: Ellixson's, The Other Farm Brewery, Durango's, Peppermint Stick, Twin Turrets Inn, and E. Kenneth Nyce Law Office.

The No Place for Hate mural at Rita's Water Ice is being planned and BaBB is working with artist, Carrie Kingsbury, to attempt to have the work completed this fall before the weather gets colder.

She reported the Civic Club Walkway Garden in the Town Center Parking Lot was completed by Sylvan Soul Landscaping and it turned out beautiful. She also reported that the landscaper will maintain the garden for the remainder of this year including watering and weeding; that was part of the original proposal.

The Pollinator Garden by Ellixson's is being worked on by committee members Marianne Deery and Chuck Lowe and it is expected to be completed this season.

The Building a Better Boyertown 20th anniversary dinner that was going to be held in conjunction with the Boyertown Days has been rescheduled for Friday September 2nd from 6:00 p.m. to 9:00 p.m. at Brakeman's Café. Tickets are \$50.00, which includes appetizers, dinner, dessert and one complimentary drink. There will be a cash bar open during the event.

Solicitor, Christopher Hartman

Nothing to report.

Nathaniel Guest of the Colebrookdale Railroad was recognized for a presentation request pertaining to the parcel the Borough leases from the Berks County Redevelopment Authority. Mr. Guest first reported on the \$14+ million grant that was received for the repair and rebuild of the railroad tracks and bridges. As he had stated at a previous meeting, Senator Casey would like to come to Boyertown and do a presentation since this is the second largest grant given to a railroad of this size. Senator Casey wants to do the presentation much earlier than anticipated and would like to do it next Monday June 13, 2022 at 9:30 a.m. This may not actually happen due to conflicts with other dignitaries that were planning to attend. Mr. Guest will keep the Borough informed.

Mr. Guest distributed a map showing the potential construction of a storage bin facility and driveway for a new freight customer. He explained that this is actually the Eastern Gateway Railroad and the County Redevelopment Authority, and he was here on behalf of Mr. Ken Pick. Mr. Guest explained that they would like to begin construction of these bins and driveway as soon as possible because it is likely that the new freight customer will need to begin receipt of freight in August. The map shows that part of the bins and the driveway would be on the parcel that is currently leased by the Borough. He stated that the driveway could be shared with the Borough if the salt dome expected to be constructed by the Borough faces that driveway. Solicitor Hartman questioned if the freight was a hazardous material and Mr. Guest stated it was not. There would need to be an amendment to the current lease agreement regarding the encroachment onto this land parcel and also the shared use of the driveway.

Mr. Neubauer questioned if it is permitted to build a structure across the parcel lines. He stated concern that if in the future the parcels are sold the structure would span two parcels. Solicitor Hartman agreed that this is creating a similar situation to what existed when the subdivision was cleaned up a few years ago for all these parcels. Mr. Neubauer expressed that a similar situation occurred in the Borough where a business wanted to build on an adjacent parcel and attach the two buildings with an enclosed hallway but did not want to attach the two parcels to one deed.

Mr. Neubauer asked about the possibility of moving the property line to separate this from the parcel leased by the Borough. Solicitor Hartman stated that if that was done the lot would need to comply with setbacks and lot size requirements. After a lengthy discussion Solicitor Hartman advised that to allow this to move forward so the railroad can meet their timeline, the following motion would need to be approved: Motion to amend the lease with the Redevelopment Authority to change the dimensions of the lot leased by the Borough to correspond to the area available for use by the Borough on the plan presented by the Redevelopment Authority, with the Borough being permitted, but not required, to use the driveway to be constructed on the lot by the Redevelopment Authority for access to the storage bins to be constructed on the lot by the Redevelopment Authority; approval of the motion is conditioned on the Redevelopment Authority submitting to the Borough a subdivision plan which complies with the Borough Zoning Ordinance to adjust the lot line to separate the bins from the remaining portion of the lot which is leased by the Borough, such that the bins will be entirely on one lot. The motion was made by Mr. Cascino, second by Mr. Heller. The roll call vote reflected the following members voting "yes": Mr. Heller, Mr. Christman, Mr. Cascino, Mr. Endy, Mr. Neubauer and Mr. Deery. Mr. Gabel voted "no". The motion was approved.

President Deery asked for any public comments on the agenda and recognized Mr. Charles Haddad. Mr. Haddad commented on Mr. Neubauer's questioning "throwing good money at bad money" with regards to spending the \$5,000 for the grant update. He stated the BaBB has a staff member that is an employee of a State Representative and is very good at assisting with obtaining grants and compiling what information is needed for the grants and proper submission and recommends the Borough reach out to her for assistance.

There being no further business to conduct, a motion to adjourn the meeting at 8:25 p.m. was made by Mr. Heller, second by Mr. Christman. The next meeting of Boyertown Borough Council will be held on Tuesday, July 5, 2022 at 7:00 p.m.

Respectfully submitted,

Patricia A. Loder
Borough Secretary