

**BOROUGH OF BOYERTOWN COUNCIL MEETING**  
**June 7, 2021**

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, Lorraine Carnes, Keith Endy, Terry Mest and Gene Gabel.

Also in attendance were Marianne Deery, Mayor; Patricia Loder, Borough Manager; Christopher Hartman, Solicitor; Jillian Magee, Main Street Manager; Adrienne Blank, Gilmore and Associates, and interested citizens.

All rose for the Pledge of Allegiance.

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

Mr. Deery recognized Ms. Blank of Gilmore and Associates who provided the members with an overview of the Mainstreet Streetscape Phase II Grant Funding Application for a DCED MTF Multimodal Grant to complete Phase II of the Mainstreet Streetscape Project. The project includes East Philadelphia Avenue between the railroad tracks and Washington Street; South Reading Avenue between 3<sup>rd</sup> Street and the access to the Town Center Parking Lot; and North Reading Avenue between 5<sup>th</sup> Street and 4<sup>th</sup> Street. The project consists of approximately 775 LF of streetscape work. The project will consist of replacement of existing damaged curb and sidewalk, pedestrian-scale lighting, ADA compliant facilities and streetscape appurtenances. The project also includes the construction of the on-road portions of the Inner Loop Trail within the Borough of Boyertown and Colebrookdale Township.

Following all discussion, Mr. Deery made a motion, second by Mr. Heller, to approve Resolution Number 06-07-2021, to submit a Multimodal Transportation Fund Grant in the amount of \$1,182,372 from the Commonwealth Financing Authority for the Mainstreet Streetscape Phase II Project. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel and Mr. Deery. The motion was approved.

Mr. Deery called for a motion to approve the minutes of the May 3<sup>rd</sup>, 2021 meeting of Borough Council. The motion was made by Mrs. Carnes, seconded by Mr. Gabel and approved.

**Finance, Charles Heller**

Mr. Heller made a motion, second by Mr. Mest, to approve the lists of Revenues, Expenditures and Bills for May 2021. The motion was approved.

The following is a summary of the Financial Report:

General Fund	
Balance in Bank 04/30/2021	\$867,509.22
Receipts	243,084.22
Expenditures	223,005.25
Balance in Bank 05/31/2021	\$887,588.19

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Tank Maintenance Fund

Balance in Bank 04/30/2021	\$423,532.37
Receipts	15.01
Expenditures	0.00
Balance in Bank 05/31/2021	\$423,547.38

Water Fund

Balance in Bank 04/30/2021	\$485,522.00
Receipts	89,687.68
Expenditures	139,580.79
Balance in Bank 05/31/2021	\$435,628.89

Sewer Fund

Balance in Bank 04/30/2021	\$376,072.72
Receipts	103,020.38
Expenditures	105,461.28
Balance in Bank 05/31/2021	\$373,631.82

Recreation Fund

Balance in Bank 04/30/2021	\$ 95,149.08
Receipts	3.37
Expenditures	11,061.20
Balance in Bank 05/31/2021	\$ 84,091.25

Colonial Corners Fund

Balance in Bank 04/30/2021	\$ 28,083.43
Receipts	566.33
Expenditures	489.20
Balance in Bank 05/31/2021	\$ 28,160.56

Trail Feasibility Study

Balance in Bank 04/30/2021	\$ 0.20
Receipts	0.00
Expenditures	0.00
Balance in Bank 05/31/2021	\$ .20

Capital Improvement General

Balance in Bank 04/30/2021	\$1,979,030.00
Receipts	38,355.74
Expenditures	2,195.51
Balance in Bank 05/31/2021	\$2,015,190.23

Forest Management	
Balance in Bank 04/30/2021	\$ 131,284.97
Receipts	4.65
Expenditures	0.00
Balance in Bank 05/31/2021	\$ 131,289.62
Capital Improvement Water Fund	
Balance in Bank 04/30/2021	\$1,027,787.87
Receipts	10,387.19
Expenditures	7,365.14
Balance in Bank 05/31/2021	\$1,030,809.92
Capital Improvement Sewer Fund	
Balance in Bank 04/30/2021	\$ 412,815.55
Receipts	14.51
Expenditures	0.00
Balance in Bank 05/31/2021	\$ 412,830.06
Liquid Fuels Fund	
Balance in Bank 04/30/2021	\$ 156,366.23
Receipts	2.68
Expenditures	0.00
Balance in Bank 05/31/2021	\$ 156,368.91

Mr. Heller then made a motion, second by Mrs. Carnes, to authorize Meister/Cox Architects to advertise for receipt of bids for the renovation of the first floor of Borough Hall and to include renovation of the lower level as an alternate to be awarded at the discretion of Borough Council. The roll call vote reflected the following members voting "yes": Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, Mr. Endy, Mr. Gabel and Mr. Deery. The motion was approved.

Mr. Heller made a motion, second by Mrs. Carnes, to authorize a Community Yard Sale to be held on Saturday, September 4<sup>th</sup>, 2021, and to waive the \$5.00 Yard Sale Permit Fee; participants will be required to obtain a Yard Sale Permit. The roll call vote reflected the following members voting "yes": Mr. Heller, 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. A total of 20,937,000 gallons of water was processed through the water filter plant for an average of 675,000 gallons per day. The totals came from these sources:

Trout Run	15,109,000
Ironstone	-0-
Boyertown Reservoir	5,828,000
Pumping from Trout Run	31 days
Pumping from Ironstone	0 days

Trout Run is at a level of 601.920 feet with approximately 378,000,000 gallons of water. Popodickon Reservoir is at a level of 38 feet with approximately 34,600,000 gallons of water.

### **Public Utilities – Sewer, Keith Endy**

The following Wastewater Treatment Report was submitted:

	<b>Average Effluent</b>	<b>NPDES Maximum Allowed</b>
B.O.D.	4.00 mg/1	20.0 mg/1
Ammonia Nitrogen	.23 mg/1	4.8 mg/1
Phosphorus	1.5 mg/1	1.5 mg/1
Suspended Solids	13.0 mg/1	20.0 mg/1
Fecal Coliform	24/100 mg/1	200/100 mg/1

The average daily flow at the Wastewater Treatment Plant during the month was 354,000 gallons.

### **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 continued to perform routine spring maintenance in the Community Park, completed the annual spring street sweeping, patched streets and alleys, mowed grass, and performed routine maintenance on borough buildings, equipment and vehicles.

### **House, Gene Gabel**

Mr. Gabel made a motion, second by Mrs. Carnes, to authorize the Council President to execute a Park Use Agreement with the Boyertown Museum of Historic Vehicles for the Duryea Day event to be held on Saturday, September 4<sup>th</sup>, 2021. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel and Mr. Deery. The motion was approved.

Mr. Gabel made a motion, second by Mrs. Carnes, to authorize the Council President to execute a Park Use Agreement with Building a Better Boyertown for a Pickleball Tournament to be held on Saturday, September 25<sup>th</sup>, with a rain date of Sunday, September 26<sup>th</sup>, 2021. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel and Mr. Deery. The motion was approved.

### **Public Communication, Lori Carnes**

No report

### **Park and Recreation Board, Lori Carnes**

Mrs. Carnes reported that Fun Days was held on June 3, 4 and 5. The event was well attended and ran smoothly.

### **Planning, Frank Deery**

Mr. Deery submitted the Code Enforcement Report for the month of May. The report reflected the issuance of five UCC Permits and six zoning permits. Ten Notices of Violation were issued for property maintenance code violations, fifty four rental units were inspected, three street opening permits, and three yard sale permits were issued.

Mr. Deery opened a public hearing at 7:25 p.m. for consideration of enactment of Ordinance Number 02-2021 to amend the Boyertown Borough, Colebrookdale and Pike Township Joint Zoning Ordinance prohibiting street level apartments in the TC Zoning District and adopting a new overlay district in Colebrookdale Township known as the Colebrookdale Recreational Vehicle Campground Overlay District. Solicitor Hartman provided a brief overview of the ordinance and asked for public comment. Mr. Bill Sheeler inquired if existing street level apartments in the TC Zoning District could continue to be used as apartments. Mr. Hartman stated that existing apartments are considered “grandfathered” and may continue to be used as a residential use. Mr. Hartman also stated that there are numerous statutory protections in place to protect existing non-conformities. There being no further comments, the hearing was closed at 7:30 p.m.

Mr. Deery made a motion, second by Mr. Endy, to approve Ordinance Number 02-2021 to amend the Boyertown Borough, Colebrookdale and Pike Township Joint Zoning Ordinance prohibiting street level apartments in the TC Zoning District and adopting a new overlay district in Colebrookdale Township known as the Colebrookdale Recreational Vehicle Campground Overlay District. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

### **Police and Public Safety, Terry Mest**

Mr. Mest made a motion, second by Mr. Gabel, to grant the request submitted by the Boyertown Rotary Club to hold a 5K Run at 8:30 a.m. on October 2, 2021 conditioned upon approval of the race by Colebrookdale and Douglass Townships, and submission to the Borough of Boyertown of a certificate of liability insurance naming the Borough of Boyertown additional insured. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

Mr. Mest made a motion, second by Mr. Endy, to approve a Park Use Agreement with the Boyertown Rotary Club for use of the Community Park on October 2nd, 2021 for a 5K Run. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel and Mr. Deery. The motion was approved.

Mr. Mest made a motion, second by Mr. Heller, to approve Resolution Number 06-07-2021A authorizing Building a Better Boyertown to use the Town Center Parking Lot on September 17 and 18, 2021, with a rain date of September 19<sup>th</sup>, 2021, for the 2021 Oktoberfest event. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel and Mr. Deery. The motion was approved.

### **Police Activities, Mayor Marianne Deery**

The Eastern Berks Regional Police Department Activities Report for the month of May is as follows: Total Incidents in the Borough 256; Criminal Arrests 14; Vehicle Arrests 65; Accidents 16.

The Mayor’s activity report for the month of May reflected the Mayor’s attendance at a ribbon cutting ceremony for Semper Pie, participation in the 80 year celebration of the Boyertown Ambulance, attendance at Borough Committee Meetings, and officiated a wedding.

### **Building a Better Boyertown, Jillian Magee, Main Street Manager**

Ms. Magee reviewed the May report of the Main Street Manager. The full report is on file in the Borough Administrative Office.

Mr. Sheeler, of Seniors & Sprouts, advised Borough Council that he and volunteers used fifteen gallons of water and vinegar to kill weeds in the public sidewalk area of the Streetscape Project Phase I along Philadelphia and Reading Avenues.

**Solicitor**

Mr. Hartman reviewed with the members a plan submitted by the Colebrookdale Railroad to remove the barricade along the vacated portion of East Third Street at Pear Street and replace it with an eight inch curb, fountain and public walkway. The Borough Manager submitted a copy of the plan to Traffic Planning and Design for an engineering opinion concerning removal of the barricade. The traffic engineers recommended the installation of bollards behind the proposed curb. Discussion was also held on a handicap accessible ramp. The submitted plan does not include a handicap ramp at the corner of Third and Pear Streets. Mrs. Loder will confirm with TPD, Inc. if a ramp should be included.

Mr. Hartman stated that the proposed curb will be installed outside of the vacated portion of Third Street, and suggested two options for Council to consider. One method is to undertake a new vacation. This method would eliminate any Borough responsibility; however, it will be time consuming and expensive. The other option is to enter into an agreement with the railroad to allow them to use a portion of the right-of-way depicted on the plan and indemnify the Borough from liability.

Following discussion, a motion was made by Mrs. Carnes, second by Mr. Heller, to approve the plan submitted by the Colebrookdale Railroad for the removal of the barricade at Third and Pear Street and replace it with an eight inch curb, bollards, and fountain and for the Borough to enter into an agreement with the Colebrookdale Railroad defining the railroad's responsibility for maintenance and liability of the improvements made by the railroad in the unvacated portion of the right-of-way, and to confirm with the traffic engineer the need for a handicap ramp at Third and Pear Street, and if a ramp is required, to require the railroad to revise the plan to include a handicap curb ramp. The roll call vote reflected the following members voting "yes": Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Endy, Mr. Mest, Mr. Gabel, and Mr. Deery. The motion was approved.

**Public Comments**

Mr. Deery called for public comment and recognized Mr. Charles Haddad. Mr. Haddad reviewed a list of items he entitled "Critical Matters for Borough Council to Address", which included the condition of public sidewalks and curbing on East and West Philadelphia Avenues; parking on the north and south sides of East Philadelphia Avenue; inspection of properties prior to transfer of ownership; registration of tenants in rental properties.

There being no further comments and no further business to conduct a motion to adjourn the meeting at 8:09 p.m. was made by Mrs. Carnes and second by Mr. Christman. The next meeting of Boyertown Borough Council will be held on Tuesday, July 6<sup>th</sup>, 2021 at 7:00 p.m.

Respectfully submitted,  
Patricia A. Loder  
Borough Secretary