

BOROUGH OF BOYERTOWN COUNCIL MEETING
September 5, 2023

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 council members Charles Heller, Barry Christman, Jeffrey Cascino, Keith Endy, Charles Neubauer and Gene Gabel.

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

All rose for the Pledge of Allegiance.

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

The first order of business was recognition of Councilman Gene Gabel's long service to the Borough of Boyertown as a member of Borough Council from 1972 to 1975; Council Vice President from 1976 to 1979; Council President from 1980 to 1981; and a member of Council from 2003 to 2023. Mr. Gabel was also employed by the Borough from July 6, 1981 to November 1, 1999, and during that employment served as the Street Superintendent from 1994 until his retirement in 1999. Mr. Gabel is a lifetime resident of the Borough having resided at 217 North Franklin Street and then at 239 North Franklin Street where he resides today.

Mr. Deery read Resolution Number 09-05-2023, which stated in part as follows: Whereas, the Council of the Borough of Boyertown desires to rename "The Franklin Street Mini Park" to "The Gene Gabel Mini Park" in honor of the dedication and numerous longstanding contributions of Gene Gabel to the Borough of Boyertown and the community as a whole. Now, therefore, be it resolved, by the Council of the Borough of Boyertown, that the mini park located on Franklin Street known as "The Franklin Street Mini Park" is hereby renamed to "The Gene Gabel Mini Park".

Mr. Deery made a motion, second by Mr. Heller, to approve Resolution Number 09-05-2023 renaming "The Franklin Street Mini Park" to "The Gene Gabel Mini Park". 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.

Mayor Carnes read and presented Mr. Gabel with a Proclamation in honor of his many years of service and contributions to the Borough of Boyertown.

Mr. Neubauer made a motion, second by Mr. Cascino, to approve the minutes of the August 7th, 2023 meeting of Council. The motion was approved.

Finance, Charles Heller

Mr. Heller made a motion, second by Mr. Gabel, to approve the lists of Revenues, Expenditures and Bills for August 2023. 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 7/31/2023	\$1,012,668.48
Receipts	70,760.53
Expenditures	179,140.43
Balance in Bank 8/31/2023	\$ 904,288.56
Tank Maintenance Fund - 04	
Balance in Bank 7/31/2023	\$ 510,858.26
Receipts	2,376.00
Expenditures	0.00
Balance in Bank 8/31/2023	\$ 513,234.26
Water Fund – 06	
Balance in Bank 7/31/2023	\$ 513,730.60
Receipts	94,955.07
Expenditures	85,891.00
Balance in Bank 8/31/2023	\$ 522,794.67
Sewer Fund – 08	
Balance in Bank 7/31/2023	\$ 428,537.31
Receipts	44,841.75
Expenditures	45,273.87
Balance in Bank 8/31/2023	\$ 428,105.19
Recreation Fund – 09	
Balance in Bank 7/31/2023	\$ 126,799.73
Receipts	533.53
Expenditures	177.89
Balance in Bank 8/31/2023	\$ 127,155.37
Colonial Corners Fund – 13	
Balance in Bank 7/31/2023	\$ 35,581.91
Receipts	504.42
Expenditures	1,838.49
Balance in Bank 8/31/2023	\$ 34,247.84
Trail Feasibility Study Fund – 15	
Balance in Bank 7/31/2023	\$ 3,647.22
Receipts	15.85
Expenditures	0.00
Balance in Bank 8/31/2023	\$ 3,663.07

Capital Improvement General Fund – 17	
Balance in Bank 7/31/2023	\$1,956,080.45
Receipts	9,100.67
Expenditures	18,844.74
Balance in Bank 8/31/2023	\$1,946,336.38
Forest Management – 19	
Balance in Bank 7/31/2023	\$ 137,480.64
Receipts	639.42
Expenditures	0.00
Balance in Bank 8/31/2023	\$ 138,120.06
Capital Improvement Water Fund – 20	
Balance in Bank 7/31/2023	\$ 936,989.64
Receipts	4,251.07
Expenditures	0.00
Balance in Bank 8/31/2023	\$ 941,240.71
Capital Improvement Sewer Fund – 30	
Balance in Bank 7/31/2023	\$ 327,132.38
Receipts	1,521.50
Expenditures	0.00
Balance in Bank 8/31/2023	\$ 328,653.88
Liquid Fuels Fund – 35	
Balance in Bank 7/31/2023	\$ 169,179.86
Receipts	786.82
Expenditures	0.00
Balance in Bank 8/31/2023	\$ 169,966.68

Mr. Heller made a motion, second by Mr. Neubauer, to approve a request submitted by Mayor Carnes for reimbursement of expenses in the amount of \$516.70 for attendance at the Pennsylvania State Mayors Association Annual Conference. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Cascino, 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 July 2023:

During the month of July 2023, a total of 23,970,000 gallons of water was processed through the water filter plant for an average of 773,000 gallons per day.

The totals came from these sources:

Trout Run	20,890,000
Ironstone	-0-
Boyertown Reservoir	9,057,000

Pumping from Trout Run
 Pumping from Ironstone

31 days
 0 days

Trout Run is at a level of 592.170 feet with approximately 258,000,000 gallons of water. Popodickon Reservoir is at a level of 37.5 feet with approximately 33,300,000 gallons of water. Precipitation in July was 8.1 inches.

Mr. Endy made a motion, second by Mr. Gabel, to approve Inframark LLC Contract Year #30 Budget effective 10/01/2023 through 09/30/2024 in the amount of \$1,590,021.42. 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 – Sewer, Keith Endy

The following Wastewater Treatment Report was submitted for the month of July 2023:

	Average Effluent	NPDES Maximum Allowed
BOD	2.00 mg/l	20.0 mg/l
Ammonia Nitrogen	.04 mg/l	1.6 mg/l
Phosphorus	.74 mg/l	1.5 mg/l
Suspended Solids	6.0 mg/l	20.0 mg/l
	Average Effluent	NPDES Maximum Allowed
Fecal Coliform	27/100 mg/l	200/100 mg/l

The average daily flow at the Wastewater Treatment Plant during the month of July was 408,000 gallons.

Mr. Endy made a motion, second by Mr. Christman, to approve Resolution Number 09-05-2023A to designate Frank J. Deery, Council President as the official to execute all documents pertaining to the Borough’s application for a Statewide Local Share Assessment Grant for the purchase of a generator for the Trout Run Dam Pump Station. 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. Endy then made a motion, second by Mr. Cascino, to approve Resolution Number 09-05-2023B to designate Frank J. Deery, Council President as the official to execute all documents pertaining to the Borough’s application for a Statewide Local Share Assessment Grant for the replacement of the generator at the Boyertown Sewage Treatment Plant. 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. Endy made a motion, second by Mr. Heller, to affirm the Borough Manager’s execution of the Bedrock Depth/Overburden Thickness Mapping proposal submitted by Rettew, Lancaster, Pennsylvania, for seismic refraction survey services at a cost of \$5,870.00/Day; and Traffic Control Services at a cost of \$3,280.00/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 Works, Barry Christman

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

During the month of August Street Department personnel swept streets, painted curbs, performed maintenance on the rain garden bump-outs, installed street signs, replaced damaged parking meters, mowed grass, and performed building maintenance at the community park. Department personnel also emptied trash cans in the public right-of-way, and performed routine maintenance on borough buildings, equipment, and vehicles.

House, Gene Gabel

Mr. Gabel made a motion, second by Mr. Neubauer, to authorize the Council President to execute a Park Use Agreement with the Rotary Club of Boyertown for use of the community park on October 21st and 22nd, 2023, rain date October 28th and 29th for a Pickleball Tournament. 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. Endy, to authorize the Council President to execute a Park Use Agreement with the Boyertown Area Multi Service for the Turkey Trot to be held at the Community Park on November 23rd, 2023. 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

No report

Park and Recreation Board, Barry Christman

Mr. Christman reported that the Board will host a Recycling and Shred Event at the Community Park on October 14th and a Fall Festival event on Sunday October 15th.

Planning Commission, Charles Neubauer

The following Code Enforcement Report for the month of August, as provided by Systems Design Engineering, Inc. was submitted. SDE issued five UCC Permits, and four zoning permits; Notices of Violation were issued for numerous property maintenance code violations, and nine rental unit inspections were done. The Miscellaneous Permit Report reflected the issuance of four yard sale permits and two street opening permits.

Mrs. Loder informed Council that the Ruth A. Dierolf Preliminary/Final Subdivision Plan was just submitted to the Borough for signatures. Mrs. Loder noted that Council approved this plan at the June 5th, 2023 meeting. The Municipalities Planning Code requires a plan to be

recorded within ninety days following approval of the plan by the governing body. Mrs. Loder recommended Council affirm their approval of the subdivision plan.

Mr. Neubauer made a motion, second by Mr. Cascino, to amend the Council Agenda to include a motion to affirm Council's June 5th, 2023 approval of the Ruth A. Dierolf Preliminary/Final Subdivision Plan. 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 then made a motion, second, by Mr. Heller, to affirm Borough Council's June 5th, 2023 approval of the Ruth A. Dierolf Preliminary/Final Subdivision Plan. 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 and Public Safety, Charles Neubauer

Mr. Neubauer made a motion, second by Mr. Endy, to approve the request submitted by the Boyertown Area Multi Service to hold the 8th Annual Turkey Trot 5K Run on Thursday, November 23rd, 2023, conditioned on the Multi Service engaging the services of a traffic control Company, and providing the Borough of Boyertown with a certificate of liability insurance naming the Borough additional insured, and approval of the event by Colebrookdale Township Board of Commissioners. . 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 approve the 2024 Eastern Berks Regional Police budget in a total amount of \$2,833,700; the Borough's proportionate share of the budget is \$1,416,850. 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. Heller, to approve a contribution up to a maximum amount of \$4,000 toward the purchase of a Boyertown Bear to be placed at the Eastern Berks Regional Police Department Headquarters. 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 August 2023 was submitted:

Total Incidents	283
Criminal Arrests	12
Vehicle Arrests	78
Accidents	11

The Borough's Parking Enforcement Officer issued forty parking meter tickets and six time limit parking tickets.

Mayor Carnes reported on the Mayor's activities during the Month of August. The report reflected the Mayor's attendance at meetings of the Borough, Rotary Club, United Way, BMBA, and the Pickfest Committee. Mayor Carnes also attended a luncheon with Senator Pennycuick; participated in the Wine Walk; and the Pottstown Health and Wellness Foundations Board of Directors tour of Boyertown. Mayor Carnes also provided a Proclamation for Pauline Spohn's 100th Birthday Celebration.

Building a Better Boyertown Main Street Manager, Ellen Martignetti

Mrs. Martignetti reviewed a monthly report of activities by BaBB. Mrs. Martignetti advised that the Farmer's Market will wrap up the season with the final two markets to be held on September 7th and September 21st from 4:00 p.m. to 7:00 p.m. The color mock-up of the mural at Rita's Water Ice should arrive soon; the artist will begin painting at the end of September. The Before I Die project is now complete and has been temporarily relocated to Donnie Ellixson's property. A façade grant application has been submitted; ten properties have been identified to receive funds from this grant if awarded. Two new businesses are slated to open; they are B-Town Nutrition at 9 South Washington Street, and Toss of the Town a salad and sandwich café at 112 E Philadelphia Avenue.

Mrs. Martignetti also noted that BaBB is finalizing plans and preparing for the upcoming Oktoberfest event to be held on the Town Center Parking Lot on September 15th and 16th. Mrs. Martignetti submitted a letter requesting Council suspend the time limit parking in the Town Center West Parking Lot during the event and suspend the need to pay for metered parking during the event. Mrs. Loder advised the members that the ordinance establishes time limit parking in the Town Center West Parking Lot between the hours of 8:00 a.m. and 6:00 p.m.; metered parking hours are in effect between the hours of 9:00 a.m. to 6:00 p.m. Therefore, suspension of these requirements is not necessary for Oktoberfest's Friday festivities.

Following discussion, Mr. Endy made a motion, second by Mr. Neubauer, to amend the agenda to include a motion to suspend time limit parking regulations in the Town Center West Parking Lot and suspend payment for use of parking meters on September 16th, 2023 during the Oktoberfest event. 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. Endy then made a motion, second by Mr. Heller, to approve suspension of the three hour time limit parking regulations in the Town Center West Parking Lot on September 16th, 2023 between the hours 8:00 a.m. to 6:00 p.m.; and to suspend payment for parking at parking meters on September 16th, 2023 between the hours of 9:00 a.m. to 6:00 p.m. 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

No Report

Mr. Deery called for public comment and recognized Mr. Charles Haddad who stated that the Board of Directors of the Pottstown Health and Wellness Foundation were pleased with the

numerous improvements made to the Community Park with funding assistance provided in part by the Foundation and in cooperation with the Boyertown Rotary Foundation and the Boyertown Lions Club. Mr. Haddad also noted that the Foundation is now a public foundation, which enables the Foundation to accept money from donors.

Mr. Deery then recognized Ms. Molly Eddinger, 625 E Philadelphia Avenue. Ms. Eddinger addressed Council on her concerns about the growth of weeds on the property at 619 E Philadelphia Avenue, which is adjacent to her home. Ms. Eddinger noted that the property is a rental property and the owners do not live in the Boyertown area. Ms. Eddinger also noted concern about other rental properties in her immediate neighborhood expressing concern about behavior of tenants and a lack of respect for the neighborhood. Ms. Eddinger requested Borough Council stop permitting new rental properties in the Borough. Ms. Eddinger was advised that the Borough has no authority to prohibit individuals from purchasing a single family dwelling and offering it as a rental property. The Borough does control the conversion of a single family dwelling to multi-unit dwelling through the Joint Zoning Ordinance.

With regard to the weed growth at 619 E Philadelphia Avenue, Ms. Eddinger stated that the code official informed her that the property owner believes the growth to be a perennial garden. Ms. Eddinger stated that the growth is encroaching on her property and is unsightly. Mrs. Loder advised Ms. Eddinger that she would look at the property and speak with the code official about issuing a Notice of Violation.

There being no further comment or business to conduct, a motion to adjourn the meeting at 8:05 p.m. was made by Mr. Neubauer, second by Mr. Cascino. The next meeting of Boyertown Borough Council will be held on Monday, October 2nd, 2023 at 7:00 p.m.

Respectfully submitted,

Patricia A. Loder
Borough Secretary