

BOROUGH OF BOYERTOWN COUNCIL MEETING
April 5, 2021

The regular meeting of the Boyertown Borough Council was called to order at 7:00 p.m. by Council Vice President Keith Endy. Council members present in addition to Mr. Endy were Charles Heller, Barry Christman, Lorraine Carnes, and Terry Mest. Council President Frank Deery and Councilman Gene Gabel were absent.

Also in attendance were Patricia Loder, Borough Manager; Christopher Hartman, Solicitor; Jillian Magee, Main Street Manager; and interested citizens.

All rose for the Pledge of Allegiance.

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

Mr. Endy called for a motion to approve the minutes of the March 1st, 2021 meeting of Borough Council. The motion was made by Mrs. Carnes, seconded by Mr. Christman and approved.

Finance, Charles Heller

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

The following is a summary of the Financial Report:

General Fund	
Balance in Bank 02/28/2021	\$140,628.64
Receipts	277,003.96
Expenditures	280,126.63
Balance in Bank 03/31/2021	\$137,505.97
Tank Maintenance Fund	
Balance in Bank 02/28/2021	\$423,501.74
Receipts	16.30
Expenditures	0.00
Balance in Bank 03/31/2021	\$423,518.04
Water Fund	
Balance in Bank 02/28/2021	\$346,301.81
Receipts	201,558.52
Expenditures	184,166.44
Balance in Bank 03/31/2021	\$363,693.89
Sewer Fund	
Balance in Bank 02/28/2021	\$365,210.38
Receipts	145,280.53
Expenditures	138,522.29
Balance in Bank 03/31/2021	\$371,968.62

Recreation Fund	
Balance in Bank 02/28/2021	\$ 95,464.19
Receipts	3.67
Expenditures	325.00
Balance in Bank 03/31/2021	\$ 95,142.86
Colonial Corners Fund	
Balance in Bank 02/28/2021	\$ 27,371.18
Receipts	870.90
Expenditures	489.20
Balance in Bank 03/31/2021	\$ 27,752.88
Trail Feasibility Study	
Balance in Bank 02/28/2021	\$ 0.20
Receipts	0.00
Expenditures	0.00
Balance in Bank 03/31/2021	\$.20
Capital Improvement General	
Balance in Bank 02/28/2021	\$2,003,508.68
Receipts	76.85
Expenditures	18,981.10
Balance in Bank 03/31/2021	\$1,984,604.43
Forest Management	
Balance in Bank 02/28/2021	\$ 131,275.48
Receipts	5.05
Expenditures	0.00
Balance in Bank 03/31/2021	\$ 131,280.53
Capital Improvement Water Fund	
Balance in Bank 02/28/2021	\$1,072,784.26
Receipts	41.30
Expenditures	45,074.00
Balance in Bank 03/31/2021	\$1,027,751.56
Capital Improvement Sewer Fund	
Balance in Bank 02/28/2021	\$ 418,718.92
Receipts	7,767.92
Expenditures	13,685.00
Balance in Bank 03/31/2021	\$ 412,801.84

Liquid Fuels Fund	
Balance in Bank 02/28/2021	\$ 56,077.71
Receipts	106,046.11
Expenditures	5,760.26
Balance in Bank 03/31/2021	\$ 156,363.56

Mr. Heller then made a motion, second by Mrs. Carnes, to award the 2021 Paving Project to New Enterprise Stone & Lime Company, Inc., 167 New Enterprise Drive, Leesport, PA in the amount of \$217,438.25 conditioned upon receipt of bonds and insurance satisfactory to the Borough. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Mr. Heller made a motion, second by Mrs. Carnes, to authorize the Borough Manager to execute a Service Fee Payment Agreement with Constellation Payments. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Mr. Heller made a motion, second by Mr. Mest, to authorize the Council President to execute the Street Lighting Agreement with Met Ed for installation of Borough owned LED Street Lights. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Public Utilities - Water, Keith Endy

The following Water Supply and Use Report was submitted for the month of March. During the month of March a total of 18,829,000 gallons of water was processed through the water filter plant for an average of 607,000 gallons per day. The totals came from these sources:

Trout Run	1,195,000
Ironstone	-0-
Boyertown Reservoir	17,634,000
Pumping from Trout Run	3 days
Pumping from Ironstone	0 days

Trout Run is at a level of 601.17 feet with approximately 368,000,000 gallons of water. Popodickon Reservoir is at a level of 37.8 feet with approximately 33,900,000 gallons of water. Precipitation in April was 4.4 inches.

Mr. Endy made a motion, second by Mr. Christman, to authorize the Borough Manager to execute the proposal submitted by Spotts, Stevens, & McCoy to perform a Risk and Resilience Assessment for the water system at a cost of \$14,600 to be paid from the Capital Improvement Water Fund. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Public Utilities – Sewer, Keith Endy

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

	Average Effluent	NPDES Maximum Allowed
B.O.D.	6.00 mg/1	20.0 mg/1
Ammonia Nitrogen	1.09 mg/1	4.8 mg/1
Phosphorus	.82 mg/1	1.5 mg/1
Suspended Solids	6.0 mg/1	20.0 mg/1
Fecal Coliform	8/100 mg/1	200/100 mg/1

The average daily flow at the Wastewater Treatment Plant during the month of March was 595,000 gallons.

Public Works, Barry Christman

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

During the month of March street department personnel salted and plowed streets, took core samples on Third Street and Rhoads Avenue to confirm the absence of concrete gutter, serviced the street sweeper to begin spring street sweeping, patched potholes, installed 2 hour parking signs on East Fourth Street between Berks Street and the municipal line, removed seventy-five tires and a damaged motorcycle from the water shed property in Earl Township, and performed routine maintenance on borough buildings, equipment and vehicles.

House, Gene Gabel

Mr. Heller made a motion, second by Mr. Christman, to award the contract for a low volume driveway at Pine Street Alley Parking Lot to Bertolet Construction, 100 South Church Street, Wernersville, PA in the amount of \$57,021.00 conditioned upon receipt of bonds and insurance satisfactory to the Borough. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Public Communication, Lori Carnes

No report.

Park and Recreation Board, Lori Carnes

Mrs. Carnes stated that the board will sponsor an Earth Day Event at the Boyertown Community Park on Saturday, April 17th between the hours of 10:00 a.m. and 1:00 p.m. The event will feature a shred truck and electronic recycling.

Planning, Frank Deery

Mr. Endy submitted the Code Enforcement Report for the month of March. The report reflected the issuance of two UCC Permits and two Zoning Permits. Three Notices of Violation were issued for property maintenance code violations, sixty eight rental unit permits were issued, and one street opening permit was issued.

Mr. Endy made a motion, second by Mrs. Carnes, to authorize the solicitor to advertise a public hearing to be held on May 3, 2021 for consideration of enactment of Ordinance Number 02-2021 amending 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 Colebrookdale Recreational Vehicle Campground Overlay District. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Police and Public Safety, Terry Mest

Mr. Mest made a motion, second by Mr. Heller, to authorize the installation of a handicap parking sign at 304 S. Reading Avenue. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Mr. Mest made a motion, second by Mrs. Carnes, to authorize the installation of a handicap parking sign at 394 S. Reading Avenue. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Mr. Mest made a motion, second by Mrs. Carnes, to close the Pickleball Court at the Boyertown Community Park to public use on May 1 and May 8, rain dates May 2 and May 9, from 8:00 a.m. to dusk for a non-sanctioned Pickleball Tournament as part of the Boyertown 2021 Sensational Summer. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Mr. Mest then made a motion, second by Mrs. Carnes, to authorize the Council President to execute the Amended and Restated Agreement of Lease with the Eastern Berks Regional Police Department for lease of the premises at 16 W Philadelphia Avenue, Boyertown. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Mr. Mest made a motion, second by Mrs. Carnes, to approve the closure of East Philadelphia Avenue from Reading Avenue to Monroe Street on Saturday, June 12th, 2021, rain date Sunday, June 13th, 2021, between the hours of 8:30 a.m. to 5:00 p.m. for the BMBA Philadelphia Avenue Street Fair 2021. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Mr. Mest made a motion, second by Mr. Heller, to approve holding Boyertown Fun Days June 3, 4 & 5, 2021 and to authorize Goodtime Amusements to staff the ride ticket booth on behalf of the Boyertown Park and Recreation Board. The roll call vote reflected the following members voting “yes”: Mr. Heller, Mr. Christman, Mrs. Carnes, Mr. Mest, and Mr. Endy. The motion was approved.

Police Activities, Mayor Marianne Deery

The Eastern Berks Regional Police Department Activities Report for the month of March is as follows: Total Incidents in the Borough 252; Criminal Arrests 21; Vehicle Arrests 84; Accidents 15.

The Mayor’s activity report for the month of March reflected the Mayor’s attendance at the Building a Better Boyertown annual Board of Directors meeting, and attendance at borough committee meetings. Mayor Deery also assisted with removal of wreaths from the Fairview Cemetery.

Building a Better Boyertown, Jillian Magee, Main Street Manager

Ms. Magee reviewed the March report of the Main Street Manager. Ms. Magee opened a dialogue with Council about the establishment of a retail overlay district. Specifically, Ms. Magee noted BaBB’s objective is to avoid repetitive businesses such as numerous pizza shops or hair salons within a certain distance of each other. Solicitor Hartman explained that the purpose of a retail overlay district is to allow uses where they are not presently permitted, if the use meets certain conditions, or to incentivize uses in locations where they are already allowed, but are not occurring as frequently as the jurisdiction would like. An example of an incentive would be to eliminate the need for off-street parking. Mr. Hartman stated that he feels an attempt to limit specific types of businesses would be discriminatory. Ms. Magee felt that other municipalities are imposing such restrictions. Ms. Magee will research the issue and provide her results to Mr. Hartman.

Public Comments

Mr. Endy called for public comment and recognized Mr. Clayton Leister who thanked Council for allowing him to participate in the meeting via Zoom.

Mr. Endy then recognized Mr. Charles Haddad who inquired if the Borough plans to sell the vacant building located at 25 S. Reading Avenue, which was donated to the Borough by BB&T Bank. Mr. Haddad noted that he understands there are individuals interested in purchasing the property; however, he expressed his concern that enough consideration has not been given to the future use of the property. Mr. Hartman explained the process defined by the Borough Code that the Borough is required to follow in order to sell assets. Mr. Hartman acknowledged that the Borough Code provides more latitude if the Borough leases a property.

Mr. Endy then recognized Mr. Joseph Trotter who recommended the Borough demolish the building at 25 S. Reading Avenue to increase the size of the existing parking lot. It was noted that option was considered; however, the cost to demolish the building compared to the number of parking spaces demolition would yield was not favorable. It was also stated that the BaBB advised the Borough that they would like to see the building sold and occupied as a restaurant.

There being no further comments and no further business to conduct a motion to adjourn the meeting at 8:15 p.m. was made by Mrs. Carnes and second by Mr. Christman. The next meeting of Boyertown Borough Council will be held on Monday, May 3rd, 2021 at 7:00 p.m.

Respectfully submitted,

Patricia A. Loder
Borough Secretary