



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY

November 7, 2022
5:00 P.M.
Hybrid Meeting

COUNCIL MEMBERS PRESENT:

D. Reed, C. Miller, M. Goodman-Hinnershitz, C. Daubert, M. Ventura - in person

OTHERS PRESENT:

L. Kelleher, J. Kelly, F. Lachat, M. Gombar, W. Heim, J. Stoudt, M. Kline, M. Sninsky, J. Batz - in person and S. Smith, M. Oppenheimer, BCTV - virtually

Ms. Reed called the COW to order at 5:00 pm and she announced that Ms. Cepeda-Freytiz and Mr. Butler are excused due to schedule conflicts.

Note: During Budget Review this symbol → will be used in all meeting summaries to show items referred into the Parking Lot for further consideration.

Ms. Reed gave a briefing on today's press conference regarding the shots fired near the grounds of Reading High School last Thursday afternoon. She invited Council members to make comment.

Ms. Ventura stated that she will defer until the public meeting scheduled for Wednesday, November 9th at the RHS Auditorium at 6:30 pm. She encouraged the public to attend.

Ms. Goodman-Hinnershitz noted the severity of gun violence in the community. She expressed the belief that the press releases using the phrase "there is no threat to the public" are very misleading, as violence in the community leaves the community feel under threat. She noted the need for the community to come together to devise an all-encompassing solution. She thanked the Police and Fire Departments for their front-line work when violence occurs.

Mr. Daubert noted his viewpoint, as an educator, that closing school due to this incident is detrimental to the education of students. He expressed the belief that the time to talk has expired and that this long-term crime problem needs viable solutions. He noted that Ms.

Ventura has been pressing on this issue with the administration for three (3) years and he urged her to continue.

Mr. Miller stated that at a prior meeting someone noted that the surge in violence is a national issue; however, he stressed the need for relief at the local level.

Mr. Heim stated that he will reserve his comments until the meeting on Wednesday evening and he agreed with the need for a wide-spread call to action that creates positive change.

Ms. Reed stated that Council supports the City's first responders, the administration and the Reading School District as all work together to identify an overarching solution to gun violence. She stated that Council is open to considering all avenues to resolve this problem. She encouraged the public to attend the meeting on Wednesday, November 9th at 6:30 pm in the High School auditorium.

I. Budget Review

Fire and Rescue Services

- Fire Admin

Mr. Kelly stated that Fire Admin includes the Fire Chief, four (4) 1st Deputy Fire Chiefs, a secretary and an administrative officer and that salaries reflect the new rate paid to the new Fire Chief and the one time increase to the Deputy Chief salaries under the current contract (*Note: the 1st Deputies are not included in the collective bargaining agreement*).

→ Reduce Retiree Payout to \$0 from \$14,000, as no one in this division is scheduled to retire.

In response to a question from Ms. Reed, Mr. Kelly stated that the Physical Fitness line item covers the gym memberships at Albright College.

Mr. Kelly explained that the new Apparatus Technician position is stationed in this division under Civilian Salaries to make in-house repairs to Fire apparatus. Currently all work on apparatus is out-sourced. Creating this position will cover 80% of the required work to Fire apparatus and will also cover repairs to other large City-owned vehicles such as the street sweepers. It is undecided which union this position will fall under or if the position will be management.

Ms. Ventura questioned why the Position Ordinance does not show salary increases for the 1st Deputy Fire Chiefs. Mr. Kelly agreed with the need to make that correction.

→ Correct the 1st Deputy Fire Chief salaries in the Position Ord for 2023

- Prevention & Education

Mr. Kelly stated that this area of the Division is managed by the Fire Marshal, who is also the Emergency Management Coordinator. All positions are included in the bargaining unit. Ms. Kelleher stated that the Division includes the Fire Marshal and three (3) Lieutenants.

Mr. Kelly stated that Contracted Services includes software costs, code amendment and plan reviews. He added that the Explorers Post (*shown as "Exp Post" in the budget*) covers the smoke detector give-away program. Chief Stoudt explained that the increase is caused by an increase in the number of detectors ordered and increases in the cost of the detectors.

In response to a question from Ms. Rodriguez, Mr. Kelly and Chief Stoudt agreed that the amount budgeted for overtime should be sufficient.

- **Suppression**

Mr. Kelly stated that Suppression covers the bulk of the Department, noting that the salaries reflect the current contract.

Chief Stoudt stated that Machinery Equipment is the local match for the replacement of the hose. He added that a grant was submitted for the hose replacement project with Muhlenberg Township.

Ms. Reed inquired about the amount budgeted for fuel with the expectation of a diesel fuel shortage. Chief Stoudt agreed that a shortage is expected; however, it is difficult to plan for that impact.

Ms. Goodman-Hinnershitz inquired about the ideal number of firefighters. Chief Stoudt stated that the Department currently has 18 firefighters per shift with jumpers which allows two fire fighters per apparatus. He noted that the NFPA suggests that a City with Reading's density should have 4-6 firefighters per apparatus. He agreed that that having 4-6 is financially impossible and he suggested increasing the manning levels to have three (3) firefighters per apparatus.

Mr. Heim stated that manning levels for Fire and Police and covering those costs are being discussed.

Ms. Rodriguez inquired if the amount budgeted for overtime is sufficient. Chief Stoudt stated that overtime is difficult to predict accurately as it is impacted by so many factors such as illness, injury, vacation, retirement, etc.

Ms. Ventura noted that the 2023 salaries of the 2nd Deputies and the paramedics are not increased in the Position Ordinance.

→ Increase Suppression Overtime to \$750,000 from \$550,000

→ Correct 2023 salaries of 2nd Deputies and paramedics in the Position Ordinance

- EMS

Mr. Kelly explained the User Fees line item covers the fees charged to those utilizing ambulance services.

Deputy Chief Sninsky explained that the lag in the receipt of the User Fees is caused by a delay in receiving reimbursement from insurance companies. These fees are collected by the billing agent and submitted to the City.

Deputy Chief Sninsky explained that the Membership Fee line item covers the reimbursement for expenses insurance companies do not cover for those who purchase memberships from the Department. He explained that the application for Membership can be found on the website or by calling the Fire Chief's office.

In response to a question from Mr. Daubert, Mr. Kelly stated that when predicting fuel costs across the organization, various factors are considered such as the type of vehicle used, the average mileage, the type of fuel used, etc. Deputy Chief Sninsky added that the ambulances no longer require diesel fuel.

- Training

Mr. Kelly stated that the Training division is staffed by one Lieutenant.

Chief Stoudt explained that the overtime cost is caused by extra work due for various types of training for recruits and staff during various hours. He used the example of the new 90' apparatus which required training during the day and night shifts for all firefighters. He noted that most Department Training divisions are staffed by 2-3 personnel.

Debt Service

Mr. Kelly stated that Debt Service is included in the Non-Departmental area. He stated that the interest and principal payments are from 2012 forward. He stated that debt service will be retired in 2033. He added that Standard and Poor recently increased the City's bond rating from a B- to AAA+ which is a huge improvement.

Ms. Kelleher noted that she forgot to include a review of the Non Departmental area on the budget schedule. The group asked Ms. Kelleher to schedule that topic for an upcoming meeting.

Pension

Mr. Kelly stated that in September the City's MMO payment was approved for 2023 by City Council. He stated that the State's MMO payment last year was \$3.6M; \$3.9M is projected for 2023.

At 5: 59 pm, Ms. Reed announced the need for an executive session to discuss a personnel matter in the Law office. Mr. Lachat, Mr. Gombard, Ms. Reed, Ms. Goodman-Hinnershitz, Ms. Ventura, Mr. Miller, and Mr. Daubert attended. The session concluded at 6:34 pm and Ms. Reed reconvened the COW.

Ms. Ventura was excused at this time.

Charter Board Ordinance Amendment

Ms. Reed introduced Mr. Smith, Solicitor to the Charter Board and Mr. McFarlane, Charter Board chair. She asked Mr. Smith to provide a synopsis of the issue under consideration for the benefit of those watching.

Mr. Smith explained that the City Solicitor has proposed an amendment to the Charter Board Ordinance (*Note: the referendum requiring the creation of the Charter Board and the Charter Board ordinance was approved by the electorate in 2001*). He stated that he provided a letter regarding the proposed amendment and a recent Common Court of Pleas decision from Judge Gavin.

Mr. Smith stated that the Charter Board opposes the amendment in its entirety and has identified three (3) major problems with the proposed amendment.

1. The amendment facially violates Charter Amendment 1 approved by the electorate in 2001.
2. While the Board admires the sincere attempt to contain legal costs, the proposed amendment creates new problems that will increase costs and increase litigation with unconsidered negative impacts. He noted, too, that the amendment does not consider the costs incurred by battling with the Charter Board.
3. The Board recognizes the need for a sober, reasonable dialog with the Charter Board about their mission along with the need to appoint members to a full complement.

Mr. Smith opined that the proposed amendment violates the Charter by creating new loopholes that removes consideration by the Board and forces them directly into the Common Pleas Court which increases legal costs and creates delays in the decision making process. He noted that forcing issues into the Courts, prior to Board consideration, is a violation of Local Agency Law. He explained that the Local Agency Law requires consideration by a local board prior to referral to the Court.

Mr. Daubert inquired if the Charter Board has prepared a plan to mediate the costs associated with Charter complaints.

Mr. Smith replied that the Board cannot control the issues that are brought forward. He suggested that the City apply better oversight of outside counsel including the appeal of decisions. He noted the process used by the Charter Board to consider appeals which includes weighing the potential cost against the expected outcome. He noted that since the Board was

created there have been 57 complaints and only one was initiated by the Charter Board, which is allowed by the Charter Board ordinance.

Mr. Smith explained that when complaints are filed, the Charter Board is required to do its job as prescribed by the Charter Board ordinance, much the same as a Zoning Hearing Board. An applicant's appeals to Zoning decisions is not the fault of the Zoning ordinance or the Zoning Board, just as complaints and appeals of Charter violations is not the fault of the Charter Board ordinance or the Board.

Mr. Smith suggested that the City develop a plan to reduce Charter Board costs incurred by outside legal counsel. He again noted that the proposed amendment would increase the cost of complaint by forcing the complaint directly into the Court of Common Pleas.

Ms. Goodman-Hinnershitz, historically, noted that this discussion was caused by two (2) prior elected officials appealing Charter Board decisions which cost the City millions of dollars. She suggested reconsidering the City's requirement to pay legal costs for appeals and force some or all of that expense on the party that is appealing the Charter Board's decision. She noted the need for the City to protect itself financially, as historically there have been many Charter violations by elected officials and employees.

Mr. Smith stated that 75% of the complaints that are appealed are about issues that have been affirmed by appellate courts, not new issues. Placing limits on appeals that have already been appealed and ruled upon would dramatically reduce the Charter Board costs. As an example he used the recent decision from Judge Gavin on Complaint #54, which was appealed up and down the County and State Courts and had no business being appealed. He noted the high number of times Judge Gavin called an appeal or argument meritless. He noted that in a few weeks we will find out if the party to Complaint #54 will appeal Judge Gavin's decision. He noted the number of times the Charter Board has won in court over issues that have been affirmed by appellate courts, such as the constitutionality of the Charter Board. He stated that while he agrees with the need for a person's right to a defense, he questions allowing the person to appeal issues that have already been decided by the Courts, which would reduce costs.

Ms. Goodman-Hinnershitz agreed with the need for preventative guidelines that will contain costs.

Mr. Smith suggested also considering limiting the amount of time a former official is entitled to legal coverage and shifting that expense onto the party involved. He again stressed that the proposed amendment will increase legal fees and court litigation. He also noted the quagmire that could occur by the Council, Auditor and administration as they will all getting different legal interpretations about the Charter language from their respective solicitors which could create additional legal fees, Charter complaints and litigation.

Mr. McFarlane expressed the belief that the proposed amendment will set the City back prior to the Charter Board's existence. He stated that he has repeatedly heard that Reading has the only Charter Board in Pennsylvania, which is probably not true; but he stated that there is a reason Reading needs a Charter Board. He noted the political history of Reading and its similarity to the political history of Philadelphia.

Mr. McFarlane noted the documentary "The Corrupt City" is a major reason why people attempted 3-4 times to change to a Home Rule form of government over approximately 40 years. Unfortunately, those who drafted the Charter believed that the words in the Charter alone would tame bad behavior, which has not occurred. Those that drafted Charter Amendment 1 and the electorate that approved it saw the need for an oversight board to uphold the Charter requirements. While the work of the Board has been costly, not having an oversight board would be far more costly in a variety of ways. The proposed amendment will weaken the powers of the Charter Board and create new problems. He asked Council to consider the potential damage that this proposed amendment could cause.

Ms. Goodman-Hinnershitz agreed with the issues that inspired the drafting of Charter Amendment 1 and the need to carefully consider and prepare for the future.

Mr. Gombar, in response to Mr. Daubert's question about the Charter Board's counter proposal, stated that the Charter Board is recommending that Council reject the proposed amendment in its entirety. He noted that one segment of the amendment limits outside legal costs and inquired if that piece should be considered individually.

Mr. Smith replied that the bill should be rejected in its entirety, as the Law Department has the ability to contain outside counsel costs by adopting improved guidelines that apply to all outside legal counsel in all circumstances. He again noted the need to apply limits on appeals on matters that have yielded Court decisions. He recalled three (3) different Charter Board cases which had the same decisions and were appealed, requiring unnecessary legal costs for the City.

Ms. Goodman-Hinnershitz apologized for the delay in making an appointment to the Charter Board, noting that a pending application was sent to the mayor's office for review in August 2022; however, the mayor has not yet decided to nominate or reject the applicant. She reminded Mr. Smith that the Charter Board ordinance requires the mayor to make nominations for Council's approval.

Ms. Reed thanked Mr. Smith and Mr. McFarlane for attending and discussing this issue.

As no other business was brought forward, Mr. Daubert moved, seconded by Mr. Miller, to adjourn the meeting at 6:58 pm.

Respectfully submitted by

*Linda A. Kelleher, CMC
City Clerk*