



# *COMMITTEE of the WHOLE*

## *CITY COUNCIL*

### **SUMMARY**

**June 13, 2022**  
**5:00 P.M.**  
**Hybrid Meeting**

#### **COUNCIL MEMBERS PRESENT:**

D. Reed, J. Cepeda-Freytiz, M. Goodman-Hinnershitz, W. Butler, C. Daubert, M. Ventura (in person)

#### **OTHERS PRESENT:**

L. Kelleher, M. Gombar, J. Kelly, M. Rodriguez, B. Murray, E. Moran, G. Phillips, T. Reynolds, T. Karish, S. McCracken (in person), S. Smith, K. Zeiber, R. Tornielli, K. Zeiber, F. Lachat, M. Oppenheimer, BCTV, WFMZ (virtually)

The meeting was called to order at 5:01 pm by Ms. Cepeda-Freytiz.

A moment of silence was held in memory of Council President Waltman.

#### **I. RAWA Presentation**

Mr. Murray introduced RAWA staff members Gary Phillips, Tony Reynolds, and Tracey Karish along with RAWA Board chairperson Steve McCracken.

Rev. McCracken stated that he is a life-long resident of Reading and recognizes the importance of RAWA's relationship with the City. He stated that he is proud to be a part of this organization and many things have been accomplished. He noted his appreciation for the opportunity to serve.

Mr. Murray stated that Council President Waltman was a friend of RAWA and stated that during the turbulent times he was a calming force. He stated that Mr. Waltman will be greatly missed by all.

Ms. Ayers-Fisher connected to the meeting at this time.

Mr. Murray reviewed a power point presentation. He provided these additional highlights:

- \$625,000 of utility assistance was made available through COVID programs that assisted 445 families.
- RAWA has adopted the “Grandmother Rule” which encourages RAWA employees to treat all their customers as if they were their grandmother.
- Joint billing of City services with RAWA bills saves the City \$500,000 annually
- Borrowing through bond issues rather than through Penn VEST has handcuffed the Authority. Several refinancing actions have helped to reduce the cost of the bond payments.

Mr. Murray stated that the Authority is in a good financial condition. He expressed the belief that the COVID utility assistance programs have been successful. He invited all Councilors to tour the RAWA facilities.

Mr. Daubert thanked Mr. Murray for his presentation. He noted the value of the water system and agreed that the water asset should remain a public system. He stated that when selling water systems it is often not discussed that the private company purchasing the system gets its income from municipal residents which will increase the cost of services. He agreed that Reading should never sell its water system.

Mr. Murray stated that PA Senate Bill 597, if passed, will help privatize water systems. He stated that provisions of the Bill will force smaller systems out of business. He stated that both RAWA and the Berks County Sewer / Water Association will be addressing the problems with SB 597 with the Legislature. He expressed the belief that SB 597 will add approximately \$2 million of annual operating costs to systems. He expressed the belief that DEP is not prepared to undertake this program and that there will be permitting delays.

Ms. Goodman-Hinnershitz agreed that Reading should not sell its water system to a private company. She stated that Mr. Waltman worked to keep the water system under City control. She requested that Mr. Murray contact Council in the future if there are issues that Council needs to be aware of and if there are ways that Council can assist RAWA operations. She stated that there were conflicts of interest with RAWA contractors / employees in the past. She noted the need to review this situation with new Council members so that the situation is not repeated. She questioned if the heading on the bills could reflect that the bill contains both RAWA and City costs.

Mr. Murray stated that the bill heading cannot be changed. He stated that a separate header is being researched to separate the sections of the bill to show which fees are RAWA related and which fees are City related. He stated that citizens understand the content of the fees and the bills after it is explained to them.

Mr. Abodalo connected to the meeting at this time.

Mr. Murray stated that the report noted in his presentation confirms his beliefs about water systems. He stated that the conflict of interest issue is still in litigation. He noted his appreciation of Council's support and stated that this support is critical to RAWA's success.

Ms. Reed thanked all employees of RAWA for the work they do in all weather conditions. She also thanked RAWA for being visible at City events and expressed the belief that this raises people's awareness of the relationship between RAWA and the City. She thanked Mr. Murray for watering the downtown planters and medians. She questioned if new planters at 11<sup>th</sup> & Penn and the rain barrels at Glenside Elementary School could also be watered.

Mr. Murray stated that he will add these new planters and the rain barrels to the items that RAWA cares for. He thanked Ms. Reed for showing appreciation to RAWA employees.

Ms. Reed noted the age and fragility of Reading's water pipes. Mr. Murray agreed and stated that they are slowly being replaced. He stated that it is critical to have cooperation between RAWA and the City.

Ms. Cepeda-Freytiz questioned how City fees are determined. Mr. Murray stated that the water fee is determined by the size of the service pipe and how it is connected to a property. He stated that rate studies are generally performed but that he has not ordered one for RAWA because he doesn't want to raise rates at this time.

Ms. Cepeda-Freytiz noted that the sewer charge is more than the sewage usage fee. Mr. Murray stated that these rates are set by the City.

Ms. Cepeda-Freytiz questioned why service charges continue at vacant properties when there is no usage. She stated that if no electricity is used, there is no bill. She questioned how this is justifiable. Mr. Murray expressed the belief that vacant properties are nuisances. He expressed the belief that continuing to send invoices to vacant properties should encourage owners to use the property. He stated that the number one issue coming into the CSC is sewer problems. He stated that the hydraulics of the system work best when all properties in an area are actively using the system. He stated that vacant properties change the operation of the system and cause problems for neighboring properties. He expressed the belief that a person who is properly investing in Reading will not leave their property vacant for multiple years.

Ms. Cepeda-Freytiz noted the need for a program to provide incentives to fix problem properties and to have them lived in.

Mr. Murray stated that when properties are sold privately there is no knowledge of liens and outstanding bills attached to the property. He suggested that a portion of the Real Estate Transfer Tax be used for a program to help owners fix their properties. He stated that he is willing to work with the City on policy changes such as this one. He noted the need for consistent rules to be used for everyone.

Ms. Cepeda-Freytiz questioned if Mr. Murray was willing to work on this issue. Mr. Murray stated that he is.

In response to a question from Council, Mr. Murray explained that the circle sizes are used to explain how a leak in a pipe or an open toilet flapper can cause an increase in water bills.

Ms. Goodman-Hinnershitz stated that many of Reading's homes are older. She stated that most residents don't think about or monitor their plumbing. She questioned how that could be changed.

Mr. Murray stated that RAWA cannot make repairs inside private residences but he stated that RAWA has a program where if an owner spends funds on a plumber those costs will be credited to their RAWA bill to offset the water costs.

Mr. Kelly questioned if RAWA will be lobbying against SB 597. Mr. Murray stated that authorities may not lobby but he will be surveying other municipal water system directors to see if any of them had the opportunity to provide comment on SB 597. He stated that there is a technicality in the utility statutes allowing the Legislature to move utility issues forward without the need for public hearings. He expressed the belief that SB 597 going through the back door is probably not a good sign.

Ms. Rodriguez questioned if grants are available to help residents with plumbing costs. Mr. Kelly stated that there are none available at this time.

Mr. Murray stated that RAWA is replacing lead service lines at no cost to the owner. He stated that when street repairs are made, RAWA checks the lines and replaces them as needed. He stated that one line replacement costs between \$5,000 and \$10,000. He explained that this service is from the street to the curb and from the curb to the home.

Mr. Kelly stated that Reading is also starting the lead abatement program.

Mr. Murray stated that RAWA budgets to replace 20 service lines per year for approximately \$100,000 - \$200,000. He stated that the lead abatement program funds are better used for other property maintenance needs.

Ms. Cepeda-Freytiz thanked RAWA for their presentation.

Mr. Murray, Mr. Phillips, Mr. Reynolds, Ms. Karish and Rev. McCracken left the meeting at this time.

## **II. Aulenbach Cemetery**

Ms. Goodman-Hinnershitz described the location of the cemetery and provided a brief history. She stated that this is a private cemetery and that there are maintenance issues. She stated that currently Reading and Mt. Penn make a small monetary contribution to the cemetery annually. She stated that an increase in funding has been requested and in exchange the City and Mt. Penn will have seats on the cemetery board. She noted the need for an updated legal opinion on ownership of the cemetery if the organization goes bankrupt. She also noted the problems with the retaining wall along Perkiomen Ave and Cemetery Lane.

Ms. Goodman-Hinnershitz stated that there are several cemeteries in District 2. She stated that Aulenbach is in a highly visible location and has historic value.

Mr. Gombar stated that he will research the ownership issue and provide a written opinion.

Ms. Goodman-Hinnershitz noted the need for guidance from Council about the City having a seat on the cemetery board.

Mr. Denbowski stated that most of the City's other cemeteries have a religious affiliation that supports cemetery operations. He stated that the law is not clear about ownership of private cemeteries in the event of bankruptcy. He noted the need to address the financial instability of the current board and to prevent neglect. He stated that the cemetery is located on a major artery and contains many veterans. He stated that the cemetery is currently managed by volunteers.

Mr. Denbowski stated that Mt. Penn Borough has been very cooperative. He noted the need to pay a third party to cut and trim the grass. He thanked Lower Alsace Township for assisting by sending a crew to address the grass. He stated that Lower Alsace is willing to assist but that they don't have the availability to cut the grass weekly. He noted the need for an MOU for cemetery oversight and board accountability.

Ms. Goodman-Hinnershitz stated that the current volunteers have done all that they could but that it is not sufficient and that professionals are needed.

Ms. Reed questioned the condition of Cemetery Lane and if those issues have been resolved. She stated that much damage was caused by private business operations.

Ms. Goodman-Hinnershitz stated that the private business has destroyed the lane and damaged the cemetery wall.

Through the chat feature, Ms. Smith stated that Cemetery Lane is a private road.

Ms. Reed suggested addressing the issues at Cemetery Lane when the cemetery is addressed.

Mr. Denbowski questioned if Cemetery Lane is a public road. Ms. Kelleher stated that it is not.

Mr. Denbowski stated that he will research Cemetery Lane.

Ms. Cepeda-Freytiz questioned if Reading and Mt. Penn would co-own the cemetery. Ms. Goodman-Hinnershitz noted the need for a legal opinion on this.

Ms. Cepeda-Freytiz questioned how the board currently uses the City's contribution. Ms. Goodman-Hinnershitz stated that it is used for grass cutting and trimming. She noted the large size of the property.

Mr. Denbowski stated that the City's contribution is approximately  $\frac{1}{4}$  the current cost. He stated that the board has a trust fund but that the use of the fund is restricted. He stated that only the interest from the fund can be used for operating expenses. He stated that the board has provided their financial information and has been very transparent.

Ms. Cepeda-Freytiz questioned if those buried there did not pay for their plots. Ms. Goodman-Hinnershitz stated that the plots were paid for but that the cemetery does not have an endowment and the plots of those buried there are no longer cared for by family.

Ms. Reed stated that Aulenbach's is a very unique cemetery. She stated that this is also an issue throughout the County.

Mr. Denbowski stated that the only other privately owned cemetery in Reading is Charles Evans. However, Charles Evans has a substantial endowment fund.

Ms. Kelleher stated that Cemetery Lane is owned on one side by Aulenbach Cemetery and on the other side by James Houck. Mr. Gombar stated that this is customary for private roads.

Ms. Cepeda-Freytiz noted the need for Mr. Gombar's opinion to determine the City's role in the cemetery.

Mr. Denbowski agreed and stated that after the opinion is provided he will speak with Mt. Penn and the cemetery board. He noted the need to ensure Council's comfort with the issue before moving forward. He stated that the City's increased financial responsibility will be small but that it will have more responsibility as a member of the board.

Mr. Lachat disconnected from the meeting at this time.

Mr. Denbowski noted the need for Council's guidance. He stated that the MOU will be approved by Council.

Ms. Cepeda-Freytiz cautioned about setting a new precedent. Mr. Denbowski stated that the only other privately owned cemetery in Reading is Charles Evans and that there are no financial issues at Charles Evans. He stated that a cemetery becomes historic 50 years after the last burial and Aulenbach's does not qualify at this time.

Ms. Cepeda-Freytiz suggested assisting the board with their infrastructure and operations so that management can be improved. Mr. Denbowski stated that the funding is for maintenance – cutting and trimming the grass and repairing the concrete retaining walls.

Mr. Lachat reconnected to the meeting at this time.

Mr. Denbowski expressed the belief that the proposal for the cost of the retaining wall will be reasonably priced. He stated that having a city representative on the cemetery board will allow for better understanding of operations and to give the City a voice in future projects.

Ms. Cepeda-Freytiz questioned the amount the cemetery receives for current burials. Mr. Denbowski stated that it is approximately \$300 per plot. He noted the need to stabilize the operations and to provide dignity to the cemetery. He noted his understanding of Ms. Cepeda-Freytiz's concerns.

Ms. Cepeda-Freytiz noted the need to be mindful that other organizations may come to the City for assistance if this moves forward. She noted the need for consistency. Mr. Denbowski stated that this situation is different in that there is potential City ownership of the property if the board defaults.

Ms. Goodman-Hinnershitz noted the need for an MOU. She stated that she served on the cemetery board for a short time. She stated that the problems were also present at that time. She noted the need for the legal opinion.

Mr. Denbowski stated that he will work on this project over the summer months.

### **III. Council Staff Evaluations**

Mr. Gombar reviewed the draft staff oversight policy as distributed prior to the meeting. He stated that the staff job descriptions will also need Council approval. He stated that a Council Committee will be appointed to perform the reviews annually. He explained that the review process will include a self-assessment consistent with HR policies. He noted the need for the reviews to be complete before October 1. He noted the need to assess employee performance, provide feedback and set goals. He stated that salary increases will be subject to budgetary issues.

Mr. Gombar stated that the Committee may delegate the review of the Deputy City Clerk and Legislative Aide to the City Clerk. He stated that HR may assist as needed and stated that the

standard City HR forms will be used, but may be expanded upon. He recommended that this policy be included in the Administrative Code.

Ms. Cepeda-Freytiz stated that she is glad to see that progress has been made. She questioned next steps. Mr. Gombar stated that if Council has no corrections to the draft policy, an ordinance will be introduced amending the Administrative Code.

Ms. Cepeda-Freytiz questioned if other City employees are receiving performance reviews. Mr. Kelly stated that the process is in progress.

#### **IV. Agenda Review**

Ms. Cepeda-Freytiz stated that the tribute to Mr. Waltman would occur at the beginning of the meeting. Ms. Goodman-Hinnershitz stated that she invited Rev. Camacho to provide a prayer.

Ms. Kelleher stated that three people were registered to speak on general matters.

Council reviewed this evening's agenda including the following:

- Resolution renewing the one year intergovernmental cooperation agreement with the Reading School District for the collection and delivery of and education on recycling

Mr. Kelly stated that the agreement provides \$59,000 in revenue to the City and allows sustainability staff to provide recycling education in Reading schools.

- Award of Contract to River Valley Recreation in the amount of \$98,118.06 for playground equipment and repairs at EJ Dives, Brookline, Schlegel Park, and 3<sup>rd</sup> & Spruce

Mr. Butler questioned how these parks were chosen. Mr. Kelly stated that all parks are being addressed. He stated that they are being packaged by City quadrant.

Mr. Butler questioned if the next quadrant would move forward next month. Mr. Kelly stated that it would.

Ms. Cepeda-Freytiz noted the need for the installation of the kiddie pool at Schlegel.

Ms. Ventura agreed and stated that she had no response from the Administration to her email on this topic. She questioned when the kiddie pool construction would begin.

Mr. Zeiber stated that construction has begun. He stated that it would open this summer.

Mr. Kelly stated that the equipment is on order.

Ms. Cepeda-Freytiz stated that Mr. Waltman and Ms. Ventura were adamant that the Schlegel Pool project include a kiddie pool. She stated that there is no other kiddie pool available in the City. Mr. Kelly stated that the Administration is aware of Council's request. He stated that there will be a line item for the kiddie pool in the 2023 capital budget.

Ms. Goodman-Hinnershitz stated that a kiddie pool and splash pad are different. She questioned what equipment was on order. Mr. Kelly stated that the splash pad equipment is on order. He noted the need for additional work to the pool pump to make a kiddie pool operational.

Ms. Goodman-Hinnershitz stated that this was discussed at a Rec Commission meeting.

Ms. Ventura stated that Council did not support changing a kiddie pool to a splash pad but that the splash pad was installed anyway. Ms. Reed agreed.

Ms. Goodman-Hinnershitz stated that when this was discussed at the Rec Commission meeting she did not know the wishes of the body of Council. *(Note: the role of Council liaisons on boards and commissions is to communicate with the rest of the body on topics under discussion to determine the wishes of the body and to keep all updated on the work being undertaken.)*

Mr. Daubert stated that he tried to read Rec Commission meeting minutes on the website but that none have been posted since 2019. He noted need to correct this.

- Resolution authorizing the Purchasing Coordinator to dispose of Fire Department radios no longer in service

Mr. Kelly stated that Council permission is needed to dispose of City equipment.

Mr. Gombar noted the need to read the ordinances in the pending box and make a motion to table them.

- Ordinance increasing the salary of the Finance Director by \$15,000 to \$120,000 due to the expansion of the role as Deputy Managing Director

Ms. Cepeda-Freytiz noted the need for further discussion on this issue.

- Ordinance amending the Code of Ethics requiring the filing of the Supplemental Statement of Financial Interest and allowing complaints to be filed within five years of the date of the occurrence rather than one year

Ms. Cepeda-Freytiz questioned why this is necessary. Mr. Gombar explained that there was some confusion about the Supplemental Statement of Financial Interest and this would clarify that. He stated that the Board of Ethics did not feel it had the authority to require the supplement

in the past. He stated that Mr. Butler requested expanding the timeline to file a complaint to five years which mirrors the timeline in the State Ethics Act.

- Ordinance amending the 2022 General Agency Fund Budget by increasing the contracted services expense line item by \$152,500 and increasing the grants and gifts revenue line item by \$152,500 as awarded by the PA Dept of Health for the Lead Hazard Control program

Ms. Cepeda-Freytiz questioned if any of this funding would assist RAWA with replacing lead service lines. Mr. Kelly stated that it would not. He stated that this is needed to begin the City's lead abatement program.

- Ordinance amending Chapter 496 Solid Waste Part 2 Dumpster Placement by eliminating the permitting process in Property Maintenance and relocating the process to the Solid Waste Division

Mr. Kelly stated that this will streamline the permitting process.

Mr. Butler read the ten ordinances for introduction.

Ms. Goodman-Hinnershitz noted the need for additional time to discuss these ordinances. Ms. Kelleher stated that discussion on the three referendum questions is scheduled for next week's Committee of the Whole meeting.

Ms. Goodman-Hinnershitz requested an entire Committee of the Whole meeting to review these ordinances.

Ms. Cepeda-Freytiz agreed. She noted the need for additional information to make informed decisions.

## **V. Other Matters**

Mr. Daubert stated that he continues to receive complaints from West Reading residents about noise at Riverfront Park. He stated that it is now being referred to as "Penske Beach." He noted the need to be good neighbors and that the City needs a plan to address this recurring issue.

Ms. Reed agreed. She stated that a West Reading resident shared a video of the situation with her. She stated that it is a growing problem.

Ms. Goodman-Hinnershitz stated that this is similar to the situation on the mountain. She stated that installing the gates at the Pagoda moved the problem into Lower Alsace at the lookouts. She stated that these areas have become popular for uncontrolled partying – use of alcohol, loud noise, etc. She stated that these parties are being shared on social media and the crowds are growing.

Mr. Moran stated that he will speak with Chief Torielli. He noted the need for security at Riverfront Park. He stated that he drove by the area this weekend. He stated that most people using the area are from New Jersey. He agreed that a resolution is needed.

Ms. Cepeda-Freytiz suggested meeting with West Reading.

Mr. Moran noted the need to be a good neighbor but stated that he plans to address the issues on the Reading side of the river first.

Ms. Reed stated that the noise created at Riverfront Park is carrying across the river into West Reading. She stated that West Reading officials have requested a meeting several times with no success. She suggested an information meeting on Friday morning.

The meeting adjourned at approximately 6:56 pm.

*Respectfully Submitted by  
Linda A. Kelleher, CMC, City Clerk*