



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY
November 14, 2022
5:00 P.M.
Hybrid Meeting

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

L. Kelleher, M. Gombar, F. Lachat, J. Stoudt, M. Rodriguez, J. Kelly, E. Moran, W. Heim (in person), S. Smith, R. Torielli, K. Zeiber, M. Oppenheimer, BCTV, WFMZ (virtually)

The meeting was called to order at 5:06 pm by Ms. Reed. She congratulated Ms. Cepeda-Freytiz on winning the State Representative seat and stated that she is spending her first day in Harrisburg for orientation. She stated that she will be joining the meeting virtually if her schedule permits.

I. Vacation of 1725 N 5th St and 1704 N 6th St 5:00 pm – 5:15 pm

Mr. Gombar stated that these parcels are adjacent and across the street from George Field. He stated that this is a small, unopened, paper street between the two existing buildings. He stated that the two parcels have been sold and will become one parcel if Council agrees to vacate the street.

Mr. Abodalo connected to the meeting virtually at this time.

Mr. Gombar explained that there is a new procedure for street vacations:

- File a petition, certify the petition information and its compliance
- Council discuss the petition and determine if the vacation is in the best interest of the City
- Hold a Public Hearing on the street vacation
- Introduce an Ordinance

Mr. Gombar stated that in this case the street was never opened and has always been used as part of the private properties. He stated that the buyer will be present at the public hearing if

Council determines to move forward. He stated that Council will hear testimony at the public hearing to determine if this vacation is in the best interest of the City or if it will be detrimental to the neighborhood.

Ms. Reed stated that if this street was open it would be the 1700 block of Church St. She questioned if there were zoning implications to the vacation. Mr. Gombar stated that Zoning / Planning will present its position at the hearing on Weds. He expressed the belief that Zoning believes vacating the street will benefit the new property owner.

This portion of the discussion concluded at 5:13 pm.

II. Whistleblower Process

5:15 pm – 5:45 pm

Ms. Reed stated that the Act was distributed to provide background information.

Mr. Lachat stated that he is unsure why this topic is on the agenda. He stated that this issue has been discussed in the past and the City has ensured that it is in compliance with the regulations. He noted his hope that all employees would be comfortable coming forward with future issues.

Ms. Reed noted the importance of employees understanding that they are protected when issues are brought forward.

Mr. Lachat agreed. He stated that the City has had good faith reports and that there are processes in place. He stated that reports are taken seriously and investigated when warranted. He stated that there is no retaliation and that the City uses outside legal counsel as necessary for these issues.

Ms. Goodman-Hinnershitz questioned if this is explained to new hires. Mr. Lachat stated that he developed an explainer in 2019 and that it has been posted to the website.

Ms. Rivera connected to the meeting virtually at this time.

Mr. Lachat stated that the explainer puts the statute into plain language and explains what qualifies and the process that is used by the City.

Ms. Goodman-Hinnershitz noted the need for certain employment regulations to be prominently displayed. She suggested that the City also do the same for the whistleblower regulations. She noted the need for the explanation to be posted in common employee areas. She noted the importance of employees having this knowledge. Mr. Lachat stated that he will post the explainer.

Mr. Heim stated that the Employee Handbook includes whistleblower, harassment, sexual harassment and workplace violence sections. He stated that the Handbook was updated in 2020.

Ms. Cepeda-Freytiz and Mr. Freytiz connected to the meeting virtually at this time.

This portion of the discussion concluded at 5:45 pm.

III. Agenda Review

6:00 pm

Council discussed this evening's agenda including:

- **Award of Contract** – for the purchase of a 2023 Chevy Tahoe SSV to 911 Rapid Response, Annville PA at the cost of \$76,272.25 from the 2022 CIP and purchase of Cardiac Monitor Equipment to One Beat Medical, Miramar FL at the cost of \$35,694.00 from the 2022 CIP. 911 Rapid Response is a PA COSTARS Vendor and the contract reflects COSTARS pricing

Chief Stoudt stated that these purchases are for the Fire Department.

Ms. Rodriguez questioned the line item that would be used to pay for the items. Chief Stoudt stated that he will provide this information to her.

- **Resolution** - authorizing the setup of a PLIGT investment account, and authorizing the finance department to transfer the OPEB Trust assets from the Wells Fargo checking account into the PLIGT investment account. This will require the Wells Fargo account to subsequently be closed

Mr. Kelly explained that PLIGT is a municipal investment trust. He stated that the OPEB funds have been sitting in a non-interest bearing checking account. He stated that the Administrative Code is unclear about the process to follow in this instance and a resolution was recommended. He stated that once the transfer is complete, the current OPEB account at Wells Fargo will be closed.

Ms. Rodriguez stated that she is glad to hear the City is taking this step to earn interest on the fund. Mr. Kelly stated that interest rates are rising so this will assist the City.

- **Resolution** - by virtue of Resolution 134-2009, adopted December 14, 2009, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009; Council hereby authorizes the disposition of the following public records:

Public Works

Timesheets, Overtime Cards from 2010 – 2017

Loading Zone Applications from 2006 – 2009

Ms. Goodman-Hinnershitz noted the amount of space that is needed for the City to store so many documents. She questioned if these records will be converted to electronic form. Mr. Lachat stated that the Retention Schedule allows flexibility to convert records to electronic format. He stated that they are converted if there is value and this is addressed on a case by case basis.

Mr. Heim stated that if there is no need to retain the documents they are not converted to electronic records. He stated that the City purges what it can.

- **Award of Contract** - for the Fireman's Museum HVAC Project to Entech Engineering, Reading, PA in the amount of \$17,555, funded by the Public Works budget. The City sought proposals (RFPs) from qualified individuals and consulting firms to provide the City's Public Works Department with the evaluation of the Fire Museum HVAC system, design engineering services, technical specification preparation and construction management services.

Mr. Daubert noted his understanding that this is the first step in the process. Mr. Kelly agreed and stated that the building will be evaluated to determine the design of the HVAC system.

- **Resolution** - regretfully accepting the resignations of Robert Conklin and Lee Olsen from the Reading Planning Commission to remain in compliance with the PA MPC

Ms. Goodman-Hinnershitz noted the need to recognize Mr. Conklin and Mr. Olsen for their service and stated that this is a legal requirement.

- **Bill 80-2022** – amending Code Section 91-101, Salaries of designated elected officials assuming office on and after the 1st Monday in January 2024 as follows:

A. Mayor. The Mayor of the City of Reading shall be compensated at an annual salary of:

(1) For the period beginning the first Monday in January ~~2008~~ **2024**, and ending the first Sunday in January ~~2009~~ **2025**: ~~\$68,100~~ **\$95,000**.

(2) For the period beginning the first Monday in January, and ending the first Sunday in January ~~2010~~ **2025**: ~~\$69,600~~ **\$97,500**.

(3) For the period beginning on the first Monday in January ~~2010~~, and ending the first Sunday in January ~~2011~~ **2026**: ~~\$71,100~~ **\$100,000** ~~2011~~ **2027**, and annually for each year thereafter: ~~\$72,600~~ **\$102,500**.

B. President of Council. The City Council President for the City of Reading shall be compensated at an annual salary of ~~\$5,500~~ **\$8,750** per year.

C. Councilmen. The District Councilpersons for the City of Reading shall be compensated at an annual salary of ~~\$5,000~~ **\$8,000** per year.

D. City Auditor. The City Auditor of the City of Reading shall be compensated at an annual salary of:

(1) For the period beginning the first Monday in January ~~2008~~ **2024**, and ending the first Sunday in January ~~2009~~ **2025**: ~~\$80,000~~ **\$80,000**.

(2) For the period beginning the first Monday in January ~~2009~~ **2025**, and ending the first Sunday in January ~~2010~~ **2026**: ~~\$54,600~~ **\$81,000**.

(3) For the period beginning on the first Monday in January ~~2010~~ **2026**, and ending the first Sunday in January ~~2011~~ **2027**: ~~\$56,100~~ **\$83,000**.

(4) For the period beginning the first Monday in January ~~2011~~ **2027**, and annually for each year thereafter: ~~\$57,600*~~ **\$84,000**.

Introduced at the August 22 regular meeting; Tabled at the September 12 regular meeting

Mr. Moran noted the need to revisit this issue. He stated that the last time the Mayor's salary was increased was 2011. He noted the important role the Mayor plays in local government and that the Mayor acts as the City's CEO. He stated that he devotes the necessary time. He noted the need to attract professionals to serve without the need for a supplemental income. He stated that the office works full-time and a lower salary may limit the pool of candidates. He stated that PFM compared the salaries of other PA cities and determined the following:

- Reading \$72,600 salary 95,000 + residents 76 cents per resident
- Lancaster \$88,883 salary 58,000 + residents \$1.53 per resident
- Bethlehem \$90,500 salary 75,000 + residents \$1.19 per resident
- Allentown \$95,000 salary 125,000 + residents 75 cents per resident
- Erie \$95,000 salary 94,000 + residents \$1 per resident

Mr. Moran asked Council to reconsider the initial Mayoral salary increase and recommended that the initial salary increase be reduced to \$92,000 from the \$95,000 as originally requested. He stated that this is 96 cents per resident. He stated that the Chair of the County Commissioners earns \$98,000 and the other Commissioners earn \$95,000. He stated that State Representatives earn \$108,000 salaries and none of these positions act as CEO.

Mr. Moran stated that this more modest increase is more in line with other elected official's salaries. He suggested an annual 3% or CPI based increase, whichever is lower.

Ms. Reed stated that Council also needs to consider the increases to the Council and Auditor salaries. She noted the need for discussions with all those affected. She reminded all that these increases do not take effect immediately and will begin during the next term. She noted the need to not attach names to the positions as those in the positions will change. She stated that elected officials differ from the City's professionals who have education and experience

requirements. She stated that, except for the Auditor, elected officials do not have specific qualifications.

Ms. Ventura stated that this has been pending for some time. She expressed the belief that enough time has passed and Councilors should have completed their own research during this time. She noted the need to move forward.

Ms. Reed stated that initially Council agreed to discuss this in detail after the budget review was complete.

Ms. Cepeda-Freytiz agreed with Ms. Reed. She noted the need for Council to understand the financial impacts these increases will have.

Ms. Ventura noted her recollection of the cause for the delay. She questioned why it is being discussed now. Ms. Reed stated that Council has given the Mayor the courtesy to make comments on the legislation this evening.

Ms. Rodriguez noted the need for the salary increases to be approved six months before the primary election or they won't be effective in 2024. Mr. Gombar stated that if the increases are approved in early December the deadline will be met. Mr. Lachat stated that it is good practice to have this completed early.

Ms. Reed noted her understanding that the increases need to be effective six months before the general election.

Mr. Lachat noted the need to amend the ordinance on the table. He suggested that the amendment occur this evening and then the ordinance be tabled for further review to avoid the need to re-advertise.

Ms. Goodman-Hinnershitz noted the need for Council to make an informed decision after the budget review is complete. She stated that Council is not avoiding the issue.

Mr. Lachat suggested amending the ordinance this evening and then tabling it.

Ms. Reed suggested waiting to take action rather than pick and choose now. She noted the need for all three branches of government to participate in the discussions.

Ms. Ventura agreed.

Mr. Moran noted the need for transparency. He stated that Ms. Kelleher indicated that the 2011 salary increase occurred after the primary. He again suggested that the low Mayoral salary will limit the pool of candidates.

Ms. Goodman-Hinnershitz noted the need for all to avoid entwining the salary increases with the upcoming election. She stated that if someone wants to serve they will do that regardless of the salary. She stated that Council has a difficult decision to make and that there are future financial implications.

Ms. Cepeda-Freytiz suggested staying with the original plan. She noted the need for fuller discussions before amendments are made to the legislation.

Ms. Reed questioned the upcoming budget review schedule. Ms. Kelleher stated that there is a meeting this Weds but not next week due to the Thanksgiving holiday. She reminded all that if the budget review is complete, it can be enacted by Council before the December 15 deadline.

Ms. Cepeda-Freytiz stated that since the salary ordinance has already been introduced it can be amended at the table. Mr. Gombar agreed.

Ms. Cepeda-Freytiz stated that the topic will be added to the November 28 Committee of the Whole agenda. She stated that depending on that discussion the ordinance may be amended and enacted at that evening's business meeting.

All agreed to this approach.

- **Bill 50-2022** – amending the Charter Board Ordinance by making various alterations such as eliminating Advisory Opinions, creating an administrative body, eliminates the confidentiality of complaints, etc. to establish reasonable guidelines on Charter Board spending

Mr. Gombar stated that he felt that Council was ready to move forward on this Ordinance after the Charter Board's presentation last week. He stated that he has since learned that Mr. Lachat is preparing a response to the Board's comments and will make further revisions. He recommended that this ordinance be tabled once again.

- **Bill 124-2022** – authorizing a budget transfer in the amount of \$165,000 from Community Development to Human Resources to repay the IRS for COVID sick leave that is not being reimbursed because we are a government entity

Mr. Kelly stated that during the pandemic the City generously provided paid leave to employees so they could quarantine. He stated that the City has since learned that the IRS believes that municipalities are not eligible for reimbursement of funds for this purpose because it is not a private entity. He stated that the City needs to repay these funds to the IRS.

Ms. Goodman-Hinnershitz stated that CDC regulations sometimes need interpretation. She stated that there are two types of COVID tests and stated that one is less reliable. She

questioned which test the City uses to determine when employees may return to work. Mr. Heim stated that the City uses the antigen test and that there have been good results. He stated that the State required municipalities to provide COVID sick leave but that the IRS is not recognizing this.

WFMZ disconnected from the meeting at this time. Chief Torielli joined the meeting in person at this time.

- **Resolutions** appointing Frank Denbowski and Daniel DeCarlo to the Planning Commission

Ms. Goodman-Hinnershitz stated that she, Ms. Ventura, and Mr. Miller interviewed these candidates. She stated that there was full consensus to move the candidates forward.

Mr. Daubert questioned if both candidates live in Reading. Mr. Gombar stated that the application process confirms residency.

Ms. Goodman-Hinnershitz stated that an in-depth application is completed. She stated that the applicant signs under rules of perjury that the information provided is truthful. She stated that a deeper investigation into residency would be beyond the scope of review. She stated that if information is falsified that leads to other issues.

Mr. Gombar stated that he has worked with Ms. Smith on some application review issues and believes the current process is successful. He agreed that applicants sign the application and swear that the information they have provided is truthful. He stated that if it is found otherwise the applicant has falsified information and will be investigated.

- **Ordinance** – amending the 2022 ARPA Fund Budget to appropriate funds in the amount of \$1,000,000 each to Alvernia University, Albright College, and Reading Area Community College for a total of \$3,000,000

Mr. Daubert stated that all three colleges are getting the same amount but that the projects differ. He stated that the projects will also have different impacts on the City. He suggested expanding the funding total and stated that Alvernia's project will have economic development impacts downtown and suggested increasing their allocation.

Ms. Ventura questioned what amount Mr. Daubert would suggest. Mr. Daubert suggested increasing Alvernia's allocation to \$1.5 million.

Ms. Cepeda-Freytiz stated that she also supports increasing Alvernia's allocation to \$1.5 million. She stated that there is an improvement downtown since CollegeTowne opened. She stated that all three colleges impact the City.

Mr. Daubert stated that he does not mean to disparage the other colleges. He stated that his belief is based on City economics and that CollegeTowne is an economic driver downtown.

Ms. Goodman-Hinnershitz stated that successful cities have strong healthcare and educational institutions. She also noted her support to increase Alvernia's allocation due to their presence downtown. She suggested that perhaps their allocation should be more than \$1.5 million. She stated that CollegeTowne brings an increased need for other businesses and services downtown and stated that college students will be living downtown.

Ms. Reed agreed with the good work Alvernia has done. She reminded all that RACC serves City residents and is demographically representative. She stated that RACC's project is to increase healthcare and trades professionals. She stated that RACC invests in people and has been nationally recognized for their large Latino student population. She suggested that RACC's allocation also be increased.

Ms. Reed stated that Albright's project engages Reading School District students and has brought new energy to campus. She suggested that Albright's allocation also be increased. She stated that they are all deserving and suggested that each allocation be increased to \$1.5 million.

Mr. Miller stated that all three higher educational institutions have different populations and are all high quality. He stated that Albright engages RSD students, RACC educates Reading residents and Alvernia has brought CollegeTowne downtown. He noted the need for Council to be fiscally responsible and stated that he has a conflict of interest with RACC and will need to abstain from voting.

Mr. Moran stated that this has been a great discussion. He agreed that CollegeTowne has played a huge role downtown and that Albright engages Reading students. He noted his support of the adjustments suggested by Council. He stated that funding is available and that these projects will support the community.

Ms. Cepeda-Freytiz stated that \$5 million was allocated for non-profits and \$3 million for the colleges. She questioned the maximum amount that Council is willing to provide to the colleges. She stated that Albright requested \$2 million, Alvernia requested \$3 million and RACC was unclear.

Ms. Reed suggested increasing all three colleges to \$1.5 million for a new total of \$4.5 million.

Ms. Reed stated that she prefers that all three colleges get the same allocation as they all do good work in the community and are all making investments. She stated that the town and gown concept can be successful.

Mr. Daubert stated that he is glad to hear that the Mayor supports the increased allocations. He suggested that the total amount be discussed further. He suggested that Council review all three plans again and expressed the belief that there would be large returns on this investment.

Mr. Moran suggested inviting the colleges back to another meeting to refresh everyone's memories on their presentations.

Ms. Reed suggested meeting in small groups if necessary and stated that campus tours are eye-opening.

Ms. Cepeda-Freytiz noted the need for a cap on this category. She stated that the original cap was \$3 million and reminded all that small businesses have not yet been addressed. She stated that small businesses are also economic drivers.

Mr. Moran stated that he has not instituted a cap. He stated that \$31 million of ARPA funds are available. He also noted the need for Council to consider the many City projects that need to be addressed. He stated that City projects should take priority and this increase should not interfere with those projects.

Ms. Goodman-Hinnershitz stated that she is very familiar with all three colleges and they all have merit. She stated that some colleges have other ways to finance their projects and agreed that Council needs to consider City projects as priorities. She expressed the belief that funds for small businesses should be considered loans to ensure that the business is sustainable. She noted the need for well-balanced decisions.

Ms. Cepeda-Freytiz suggested that the video and meeting summary from the meeting with the colleges be reviewed to refresh everyone's memories. She suggested that Council be prepared to vote at the next meeting.

Ms. Kelleher stated that RACC had indicated the need for \$5 million but stated that they would appreciate any amount to close their gap.

Ms. Reed suggested that the colleges be invited to the November 21 Committee of the Whole meeting for a quick review. Ms. Kelleher stated that she will contact them to see if they are available.

Ms. Cepeda-Freytiz stated that a review by the colleges is not necessary. She suggested that Council review the meeting video and summary.

Ms. Reed agreed. She suggested that each college have one representative available on November 21 to answer any questions.

Ms. Goodman-Hinnershitz agreed with Ms. Reed and suggested that they be present via Zoom.

Ms. Cepeda-Freytiz agreed with Ms. Reed. She stated that Council should have their review complete by November 21.

Agenda review ended at 6:15 pm.

IV. Other Matters

Ms. Goodman-Hinnershitz stated that she and other officials attended the town hall meeting hosted by the School District. She stated that the City point of view is needed and that she heard very concerning information. She noted the need for next steps. She stated that the City awarded ARPA funds to many organizations who stated they would address youth violence. She stated that not all the suggestions made at the meeting were feasible. She noted the need to work with community organizations and to have an overall plan to address youth violence. She stated that the issues are severe and that residents need updates from the City and School District. She noted the need for all to be aware when classes will be virtual. She stated that the high school's 50 doors are unlocked and accessible and better security is needed.

Ms. Ventura questioned the status of the Police Department's training facility. Chief Tornielli stated that Council has awarded a contract but that the project is now under review. He stated that alternatives are being discussed to reduce the cost of the project.

Ms. Ventura stated that the contract that was awarded was for the design of the project. Mr. Heim stated that the entire project is being revisited. He stated that this \$15 million may be better invested elsewhere.

Ms. Ventura questioned what happens if the project stops but Council has already awarded the contract. Mr. Lachat stated that the size of the project has increased the costs. He stated that there was some confusion during the bid process and not all companies submitted bids. He stated that this is concerning and that the cost of design came in \$400,000 higher than expected. He stated that a bid challenge is possible and stated that the project will be re-bid after it has completed the re-evaluation process.

Ms. Ventura questioned why Council is not informed if they have already awarded the contract. Mr. Heim stated that Council will be updated after the project is re-evaluated. He stated that the City has \$31 million of ARPA funding available and this project could use all of it. He stated that all City projects are being re-evaluated to ensure the City gets its best return on investment.

Ms. Ventura questioned if this was being done because of the cost of the project. Mr. Heim stated that it is. He stated that the Police Department had submitted grants to help cover some of the costs but that the grant amounts were small and one was not awarded to Reading. Chief Tornielli stated that the design engineering and construction management alone will cost \$1.6

million. He stated that the project originally included a garage to store all the police vehicles and the Police Academy. He stated that the garage is the priority to keep all the vehicles (bomb squad, command center, etc) in one location.

Mr. Gombar questioned if Council needed to rescind the award of contract. Mr. Lachat expressed the belief that this is not necessary. He stated that he has spoken to the contractors directly to explain the situation.

Ms. Cepeda-Freytiz stated that she agreed with Ms. Goodman-Hinnershitz's comments regarding youth violence. She stated that she also found many of the accounts and concerns alarming. She stated that no one offered next steps. She noted the need to understand the role the City plays in the issues. She expressed the belief that help has been offered to the School District but that they are not responding.

Ms. Reed suggested meeting with the School District in December to follow up. She noted the need for benchmarks for the organizations that will be addressing youth violence.

Ms. Goodman-Hinnershitz noted the need for the District to inform the City when students will be virtual. She stated that there could be many reasons to see students that are not in school. She agreed that a meeting with the District is needed.

Ms. Ventura stated that virtual classes are not always pre-planned. She stated that parents and Police are informed.

Mr. Butler connected to the meeting virtually at this time.

Ms. Ventura stated that when students leave the school they are not sent back. She stated that she sees this all the time. She noted the need for the nearby businesses to agree not to allow the students in during the school day and the need for the Police to return students back to school or to take them home.

Chief Torielli stated that he met with the District to discuss daytime curfew issues and how to begin enforcing it. He stated that he also met with the District Attorney. He suggested that the businesses call the police when students are present during the school day and ask that they be removed. He stated that the police cannot ask the students to leave. He stated that the District does communicate with the Police when classes are virtual as it changes police deployments.

Mr. Miller stated that he also attended the District meeting. He stated that many in attendance were concerned, angry and frustrated. He stated that many viewpoints were heard. He expressed the belief that many residents don't see what's happening. He stated that this dialog was a good start and noted the need for it to continue. He stated that this is not a District issue but a City issue. He noted the need for everyone to work to improve the situation.

Ms. Reed stated that Council's last voting meeting would be on December 26. She questioned if Council wished to hold the meeting on December 27 or to change the dates of the voting meetings to December 5 and December 19.

Ms. Cepeda-Freytiz stated that she would like to change the dates of the voting meetings to December 5 and 19.

Ms. Reed noted the need to re-advertise the meeting dates.

All agreed to change the December voting meeting dates.

The public portion of the meeting adjourned at 6:40 pm.

V. Executive Session

Ms. Reed noted the need for an executive session on a personnel issue.

Council entered executive session at 6:41 pm in the Law Office.

The seven members of Council, Mr. Gombar, Mr. Lachat and Mr. Moran were in attendance.

The executive session ended at 7:00 pm.

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