CITY COUNCIL

Committee of the Whole

Monday, June 15, 2010
Council Office
5:00 pm
Agenda

I. Fire Training Center Agreement

II. Recreation Commission

III. Agenda Review

COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 24, 2010
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Reed, S. Marmarou, D. Sterner, V. Spencer, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Geffken, C. Younger, M. Vind, F. Denbowski, D. Hoag, D. Beane

Mr. Spencer called the Committee of the Whole meeting to order at 5:03 p.m.

I. Act 47 Next Steps

Mr. Spencer stated that Council and the Administration have each reviewed the draft plan. He noted the need for a joint meeting to discuss the draft plan.

Mr. Geffken suggested that the meeting take place Wednesday. He suggested that Mr. Spencer, Mr. Waltman, and Mr. Acosta meet with representatives of the Administration to discuss similarities and differences in the approach to the draft plan.

Mayor McMahon arrived at this time.

Mr. Spencer stated that a full report would be given to the full body of Council.

Mr. Geffken suggested amending the draft plan to keep the services of PFM.

Mr. Spencer suggested that members give a list of concerns to him to present at the joint meeting.

Mr. McMahon stated that PFM would be transmitting the final draft late Thursday. Ms. Kelleher stated that she had spoken with Dean Kaplan this afternoon who stated that the plan would be sent Friday afternoon. She reviewed the timeline of approval and stated that Council action is needed by June 15.

Ms. Reed requested that a special meeting be held on June 10 or 11 to allow her to participate as she will be out of town on June 15.

Mr. Spencer voiced his concern that it would appear that Council is rushing their decision by acting before the deadline.

Ms. Reed stated that June 10 or 11 would be within the deadline but would not appear as rushing. She stated that a separate special meeting would be a better approach so that this issue doesn't get lost in regular Council business.

Ms. Goodman-Hinnershitz reminded all that a public meeting would be held on Wednesday, May 26 on the Act 47 Community Committee's report.

Mr. Waltman arrived at this time.

Note: Council agreed to hold a special meeting on Friday, June 11 at 5 pm to act on the Act 47 recovery plan.

II. Review of recent Bond and Swap Transactions

Mr. Spencer stated that he requested this review based on information included in the Act 47 draft plan.

Mr. Acosta arrived at this time.

Mr. Vind reviewed the handout given to Council outlining the bond and swap transactions since 2004. He stated that the Act 47 draft report takes this information out of context.

Mr. Waltman requested the net principle impact of the transactions. Mr. Vind stated that he did not have this information. He stated that the PFM report looked at the principle only but it should also have addressed the issue of interest.

Mr. Spencer questioned if Mr. Vind was interviewed by PFM. Mr. Vind indicated that

he was not.

Ms. Goodman-Hinnershitz stated that there is no clarity without these historical discussions. Mr. Vind noted his hope that this historical perspective be included in the final plan document.

Mr. Waltman stated that this information would be helpful for the public's understanding.

Mr. Marmarou questioned if Mr. Vind had been contacted by PFM. Mr. Vind stated that he was contacted after the draft plan was released.

Ms. Goodman-Hinnershitz questioned how the public would be made aware of this data. Mr. Vind suggested waiting to see if the information is included in the final plan and making a public statement if it is unclear.

III. Bernhart's Park Remediation Plan Joint Response

Dr. Kimball arrived at this time.

Dr. Kimball reviewed the response letter. She explained that the original Saylor home is now owned by a niece of the Saylor family. Dr. Kimball stated that people residing in homes surrounding the Park report that people are riding motorcycles on the ridge where the lead level is over 4000 ppm. They also noted the importance of being able to walk around the entire lake.

Dr. Kimball stated that most of the blood lead levels are within normal range except that an 8 month old tested greater than 2.

Dr. Kimball explained that the Muhlenberg Township Commissioners have already passed a resolution in support of this position. She also described the letter received from a 5th grader who wanted her park back.

Dr. Kimball stated that the goal is to continue to hold Exide accountable after the clean-up. She stated that it was hoped that they would be good corporate neighbors.

Mr. Beane noted the importance of the EAC also including that Exide should remain active in the park after the initial clean-up to ensure that they continue to monitor, remedy, and correct any future issues. He explained that the standard for residential clean-up is 400 ppm but that EPA's model has shown that 650 ppm would be safe for park users. He noted that the EAC believes that this model is flawed and is requesting the clean-up to 400 ppm levels. He stated that the indication in the letter requesting the

clean-up at 400 ppm levels would assist with future liabilities. He also stated that the mention of environmental injustice piqued the attention of EPA and Senator Specter's environmental staff.

Ms. Hoag added that all the new reports continue to use the old data. There are concerns that Exide continues to emit lead and that contamination levels may have increased.

Mr. Waltman noted his belief that the scope of this issue continues to grow. He agreed that the park needs to be safe but does not support reopening if it is not completely remediated. He stated that EPA must also be accountable in this process and they must resolve the issue and not allow continued delays. He noted his belief that lawsuits should be filed.

Ms. Goodman-Hinnershitz stated that the people in the area want the park reopened.

Mr. Waltman noted his fear of putting people at risk when they use the park.

Mr. Spencer reminded Council that EPA, DEP, and the PA Department of Health all support the 650 ppm level.

Mr. Waltman questioned if there are extra health risks if the park is reopened. Dr. Kimball and Mr. Beane stated that there would not be extra health risk for park users.

Mr. McMahon noted his opinion that the park should only be reopened without restrictions.

Ms. Goodman-Hinnershitz noted that she grew up in the area of the park. She noted her work on this issue with Dr. Kimball and stated that she trusts these medical and legal opinions.

Mr. Spencer questioned why the County was not included in this response. Mr. Beane stated that the task force had hoped that the County would participate but they decided to draft a separate response. He noted that the County was cooperative and has shared information freely during this process. Their response is included with the information distributed to Council for their review and provides support to the joint response from Muhlenberg and the City.

Mr. Spencer stated that the City has fought the good fight with this issue.

Ms. Goodman-Hinnershitz stated that the progress has been slow but there has been forward movement.

Ms. Kelleher voiced her concern at the loss of support from Senator Specter in January. She suggested that Tim Holden and Jim Gerlach continue to receive updates on this issue.

Mr. Acosta also suggested that the candidates running for Specter's seat be copied on the letter to bring this issue to their attention.

IV. Agenda Review

Council reviewed this evening's agenda including:

- Amending Police Pension

This ordinance will be withdrawn by the Administration until there is agreement with the FOP.

- Resolution authorizing the use of Early Intervention Program funds

Mr. Spencer explained that he spoke with Mr. Reddig from DCED and was told that there was no funding available until 2011 and that no application has been received from the five cities on this issue.

Mayor McMahon explained his hope of funding the study to allow the five cities to cooperate on health insurance to reduce costs to all. He requested that Mr. Geffken contact Mr. Reddig about this issue.

Council entered executive session at 6:40 pm to deliberate about conditional use decisions for 335 N 11th St, 315 N 6th St, and 430 Elm St. They exited executive session at 6:42 pm.

Mr. Spencer reminded members to keep their comments to a minimum during the discussion of these resolutions as the comments become part of the public record.

Council entered executive session at 6:50 pm to discuss a personnel issue. They exited executive session at 6:55 pm.

V. Other Business

Mr. Geffken announced that the Greater Reading Film Commission has begun filming a 20 minute short to market film-making in the Greater Reading area. He stated that the Pagoda and Sovereign Performing Arts Center will be featured along with the

architecture of the City.

The meeting adjourned at 6:56 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk

COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
June 7, 2010
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Reed, S. Marmarou, D. Sterner, V. Spencer, M. Goodman-Hinnershitz, F. Acosta, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Geffken, C. Younger

Mr. Spencer called the Committee of the Whole meeting to order at 5:03 p.m.

I. Executive Session – Zoning Matter

There was a discussion on the need to enter executive session on this matter.

Mr. Younger recommended that Council enter executive session as this matter is related to pending litigation.

Ms. Reed exited the meeting at this time.

Council entered executive session at 5:10 pm.

Ms. Reed returned to the meeting to discuss a separate litigation matter.

Council exited executive session at 5:42 pm

II. Act 47 Discussion

Ms. Goodman-Hinnershitz stated that she found the spreadsheet which was distributed to be very helpful.

Mr. Spencer explained that the Water Authority has been approached regarding increased funding to the City. Mr. Geffken added that he has met again with Mr. Setley and Mr. Miller. He stated that the Water Authority is interested in assisting the City and intends to work with the City within their means.

Mr. Waltman stated his belief that the Administration should give clear information on the ability and requirements of items proposed in the Plan. He noted the need for Council's general understanding of the requirements of the items. He stated that this Plan could turn out to be a mirage.

Mr. Waltman noted the work done in relation to the Plan to date. He stated his belief that Council was being leveraged again. He stated that the Plan needs to include accountability and questioned the Administration's ability to execute the Plan. He questioned how the Plan would be carried out if adopted initiatives are not completed in a timely manner.

Ms. Reed stated that Council should be leveraging the Authorities, not vice versa.

Mr. Spencer stated that the Mayor can remove Parking Authority members but the procedure to remove Water Authority members is more complicated. Ms. Reed stated that Council can dissolve the Water Authority. Mr. Geffken suggested that the enabling legislation be amended as necessary.

Mr. Acosta stated his belief that the members of the Water Authority who attended the meeting were telling Council members and the Administration how to run the City. He stated that the Water Authority answers to the City and must be willing to cooperate. He suggested that Council move ahead with the Plan adoption and amend as necessary. He stated that he only supports the Plan to keep the insight of PFM and that he does not support property tax increases.

Ms. Goodman-Hinnershitz stated that the Water Authority was created to support the City. She noted the need to know all options available in the future.

Mr. Acosta stated that during the first 30 minutes of the meeting the Authority told Council and the Administration how to fix the problems. He stated that most of their solutions are already included in the Plan and it was obvious that they did not review the entire Plan.

Mr. Waltman requested due diligence on this issue and requested a memo outlining how much each Authority can assist the City by Friday before action is taken on the Plan.

Ms. Goodman-Hinnershitz noted that it takes time to make informed decisions.

Ms. Reed reminded all that action must be taken on June 11.

Mr. Spencer explained issues with the Water Authority and the Public Utilities Commission. He noted that the Water Authority must also maintain the system and that many charges paid by users already go into the City's general fund. He noted that the Water Authority will not be unanimous on their plan to assist the City. He reminded all that the Plan calls for property tax increases if the Water and Parking Authorities do not contribute according to the Plan. Council must be aware of the ramifications of not following the Plan.

Mr. Acosta noted the need for citizens to understand these ramifications also. He noted his dislike of the City being at the mercy of appointed members of these authorities.

Mr. Geffken noted that the focus of the meeting with the Water Authority was not to discuss figures but that became the focus. He stated that the Plan contains many initiatives. He stated that the Plan must be adopted as a complete document but it contains many variables. He noted his hope that neither the funding from the Authorities or the tax increase would be necessary if other areas contain cost savings larger than anticipated or revenues higher than anticipated. He noted that the Water Authority contribution in the Plan is a one-time 10% rate increase to users. He noted that the Water Authority rates will be close to the highest rates in the area after this increase. He noted that the maintenance to the system is being done and the Water Authority is still able to support the City.

Mr. Waltman noted that strong leadership will be needed to bring this Plan into action.

Ms. Goodman-Hinnershitz noted that Council has been focusing on the Authorities and the tax increases but that there are many other issues contained in the Plan.

Mr. Sterner noted that the approximate amount of funding from the Authorities is $1.5 million per year. Mr. Geffken stated that if the Local Option Sales Tax goes into effect, this funding would not be needed. Ms. Kelleher stated that if Per Capita and Earned Income taxes had a better collection rate, this funding would not be needed.

Mr. Spencer noted that Council may need to take action on the Plan before receiving information on the level of financial support from the Water and Parking Authorities.

Mr. Waltman noted the tight timelines contained in the Plan. He requested due diligence regarding the funding from the Water and Parking Authorities to see if this portion of the Plan is credible.

Mr. Sterner suggested a memo from the Water Authority and the Parking Authority outlining the amount of support the City will receive. Mr. Geffken suggested that Council request this information.

Mr. Waltman stated that the Administration should make this request as they are more available. Ms. Goodman-Hinnershitz agreed and added that the timelines make the Administration accountable in the Plan.

Mr. Spencer noted that any changes to the Plan must be approved by PFM.

Ms. Goodman-Hinnershitz stated that she would like a firmer commitment from the Authorities but that the timeline does not allow for delays. She noted the Plan is speculation at this point.

Mr. Marmarou noted that results should begin with the 2011 budget year as initial reports are completed and revenues and costs are better outlined. He noted the need to pass the Plan and start working to achieve results.

Mr. Sterner noted the need for Council to see results and for the Administration to stay on target.

Mr. Spencer noted that all those in distress have a Plan. He noted that there are no guarantees and that the City may be labeled distressed for many years.

The meeting adjourned at 6:18 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk

RESOLUTION NO._____

WHEREAS, the PA Department of Conservation and Natural Resources (PA DCNR) has a program which provides reimbursement type grants; and

WHEREAS, intending to enter into a joint agreement as a participating municipality, the Reading School District's Board of School Directors has passed a Resolution authorizing the City of Reading to apply for a Regional Peer-to-Peer Feasibility Study Assistance Grant; and

WHEREAS, the City of Reading, as a participating municipality, desires to also enter into an agreement with the Reading School District re the Regional Peer-to-Peer Feasibility Study on cooperation for municipal parks and community recreation programs, and to create a joint study committee;

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

1. That the Mayor of the City of Reading is authorized to apply for a Regional Peer-to-Peer Assistance Grant from PA DCNR (reimbursement type grant will provide 90% of the cost of the Feasibility Study (not to exceed $10,000 reimbursement-which must be matched by 10% local cash, not to exceed $1,000). The Mayor is hereby authorized to execute any and all necessary documents to apply for said grant as well as facilitate any coordination and/or administration of same, including, but not limited to, the advance and expending of necessary funds prior to PA DCNR reimbursement.

2. That the Mayor will appoint one elected official and one at-large citizen to the Parks & Recreation Study Committee, which will work in an advisory capacity with the selected Peer Consultant.

3. That the Study Project is expected to last 12-18 months in duration and will include, but not be limited to, the following tasks:

- Inventory public and private recreation facilities and programs in the Participating Municipality
- Evaluate citizen interest in and suggestions for the community recreation opportunities (programs & facilities) for all ages
- Meet with various recreation and sports groups
- Work with the Reading School District on scheduling policies for community uses of their facilities
- Recommend possible actions to fund the acquisition, development, and operation of parklands and open spaces
- Recommend options for conducting or improving community recreation programs
- Recommend possible structures for a Municipal Parks and

Recreation Organization to coordinate, organize or promote the on-going activities.

4. That the Study Project will provide the City of Reading with a copy of the Final Report that has been approved by PA DCNR.

5. That cooperating in the Study Project and providing the specified local funds does not obligate the Participating Municipality for any future action or to implement any of the recommendations of the Final Report.

Adopted by Council_____, 2010

_____
President of Council

Attest:

_____
City Clerk