CITY COUNCIL

Committee of the Whole

Monday, July 26, 2010
Council Office
4:45 pm
Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

I. Recovery Plan Update – D. Kaplan

II. Waste Water Treatment Plant Update

III. Agenda Review

IV. Fire Training Center Agreement

COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
July 12, 2010
5:00 P.M.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Geffken, C. Jones, D. Robinson, F. Denbowski, C. Younger

Mr. Spencer called the Committee of the Whole meeting to order at 5:06 p.m.

I. Resolution Reallocating unexpended CDBG funds to Street and Infrastructure Improvements

Mr. Robinson explained that this resolution is a result of discussions held on June 15. He stated that there will be no float loan and that this allocation will be mostly for street paving.

Mr. Spencer questioned what infrastructure improvements would be made. Mr. Robinson explained that curbing or handicapped ramps will be installed as needed at the locations slated for the street paving projects.

Mr. Marmarou questioned what streets would be paved in District 4. Mr. Jones explained that he checked several streets in this district but they do no qualify for CDBG funding.

Mr. Spencer questioned if Mr. Jones conferred with Council when choosing the streets to be repaved. Mr. Jones stated that he worked to find streets in all parts of the City that needed attention. He stated that he, Mr. Zeiber, and the streets foreman worked to choose the streets.

Mr. Spencer questioned if Council reviewed the list. Mr. Jones stated that the list was discussed at several Public Works Committee meetings.

Mr. Spencer noted that the repaving of Court St was an issue for him. He stated that although this area qualifies for CDBG funding, Council was not informed of the project until the last minute. He requested that Council review projects in advance in the future. Mr. Jones noted the need to use the funding quickly. He stated that if the City had recurring funding for street paving it would allow for better long-range planning.

Ms. Reed noted the need for communication about projects to Councilors. She noted that Council members should be aware of projects occurring in their districts to answer constituent questions.

Ms. Goodman-Hinnershitz reiterated that this was discussed at several Public Works Committee meetings. She stated that some roads will need repair that are not State roads or qualify for CDBG funding. She expressed her belief that Council can assist in planning for these streets but that another funding source needs to be found. She stated that finding another way to fund street lighting would free up liquid fuels funds and allow a more consistent street paving schedule.

Mr. Marmarou questioned who was responsible for Skyline Drive. Mr. Jones stated that it is the City, Alsace Township and Lower Alsace Township. He stated that the City's portion was repaved in 2002 (from the Pagoda north to an area south of the fire tower).

Mr. Marmarou noted the need of repair to the rest of this road. Mr. Jones noted his willingness to contact the Boards of Supervisors to make this request.

II. Fireworks Displays

Ms. Goodman-Hinnershitz noted the problems this July 4th weekend caused by home fireworks displays. She stated that there were reports of fireworks being set off in streets and shooting off Skyline Drive into the mountain (possibly causing several brush fires). She noted that residents are buying large quantities of fireworks and storing them in their homes. She also noted the need for the City to plan an annual privately funded event to alleviate home displays. She requested clarification of illegal fireworks regulations in Pennsylvania and questioned if what is being sold in local stores is

actually legal.

Mr. Younger distributed a brief prepared by Ms. Mayfield. He stated that Ms. Mayfield noted that Council is bound by the limitations as outlined.

Mr. Spencer suggested reviewing the brief and holding discussion in the future.

Mr. Sterner reminded Council that, at the Public Safety Committee, Chief Heim noted that he does not allow patrol members to take vacation on July 4th so that he has maximum manpower on the streets.

Mr. Waltman stated that in many cases it is unknown where the real fireworks events are located. He noted that the City has too many people and people have a feeling that there are no rules. He suggested the City expand its educational campaign on fireworks and inform citizens where the public displays are being held (Mifflin Days, Reading Phillies, West Reading, etc).

Ms. Reed suggested holding a central event to draw more people and decrease the number of private displays. She also agreed that education is needed.

Ms. Goodman-Hinnershitz stated that there is no celebration in Reading and stated that private funding should be used. She again questioned if items being sold in Reading and the surrounding area are legal. Mr. Younger stated that anything that flies into the air is illegal.

Mr. Marmarou requested that the Administration work to educate residents and monitor items sold in tents and stores.

Mr. Spencer again suggested that Council review the brief from Ms. Mayfield and discuss the issue at another time.

III. Agenda Review

Council reviewed this evening's agenda including:

- Ordinance re-enacting the Local Revitalization Tax Assistance (LERTA) Program

Mr. Spencer questioned if there was input from PFM on this initiative. Mr. Geffken stated that there was not.

Ms. Goodman-Hinnershitz noted the need to keep all Councilors informed of meetings if not all are in attendance.

Mr. Sterner questioned if this was a five year or ten year program.

Mr. Spencer also noted the boundary issues in relation to Keystone Opportunity Zones and their interaction. Mr. Robinson stated that the LERTA was discussed at length at the Finance Committee meeting. He noted that this ordinance is similar to that used in other cities and will create incentive for businesses to locate in Reading.

- Ordinance executing the sale of land to Ontelaunee Township

Mr. Spencer requested review of the formal agreement. Mr. Younger stated that it had not yet been drafted. He noted Council's wish to keep the land for park/recreation use.

Mr. Spencer questioned how many acres were being sold. Mr. Younger stated that it was approximately 138 acres.

Mr. Acosta questioned the amount. Mr. Younger stated that it would be $8,500 per acre.

Mr. Spencer questioned if the Water Authority supported the sale. Mr. Younger stated that the Executive Director does not support the sale. He stated that the City has had no adverse comments from the DCED or Act 47 Coordinator.

Mr. Spencer noted that this land is part of the Ontelaunee watershed. He questioned the use of the land. Mr. Younger stated his understanding that it would be a water park.

Mr. Spencer stated that he spoke with the Executive Director of the Water Authority. He stated that Mr. Miller opposes the sale of any land within the watershed area. He also noted that a large conduit runs under this area carrying water from the lake to the filter plant.

Mr. Acosta questioned why Council was only learning this information after several discussions on the topic. Mr. Younger stated that he met with Mr. Miller but has had no comment in writing from the Water Authority Board.

Mr. Spencer questioned if this sale was discussed with PFM. He stated the opinion of Mr. Kaplan that the City should not be selling assets.

Ms. Goodman-Hinnershitz noted that current discussion is becoming "he said she said" and stated that this type of information is not the best to make good decisions. She suggested discussing the issue at a future meeting and inviting Mr. Miller.

Ms. Reed also suggested inviting a representative from Ontelaunee Township.

Mr. Spencer suggested that this ordinance be tabled for further review.

Mr. Acosta expressed his belief that if comments were requested in writing and there has been no response that the Water Authority does not oppose the sale.

Mr. Waltman noted that this is a large sale and the City should be working with Mr. Miller and the Township. He noted the need for Council to have complete information to make decisions. He noted his belief that Act 47 is not applicable in this case but noted the need not to threaten the watershed.

Mr. Acosta questioned if the Water Authority opposes the sale, could Council approve it. Mr. Waltman noted that Council will base its decision on the information at hand.

Ms. Goodman-Hinnershitz noted the communication problem. She suggested that Mr. Miller put his comments in writing to Council. She suggested that the land only be used for preservation and noted that Council has the final decision.

This topic will be discussed at a Council work session.

- Ordinance setting the salary of the Director of Administrative Services

Mr. Geffken noted that $95,550 is the amount of his current salary after the 2.5% reduction for 2010.

- Ordinance re-enacting residential tax abatements

Mr. Robinson explained that this program works hand-in-hand with LERTA. He stated that this is for residential properties where LERTA is for commercial properties. He noted that this program is similar to those used in other cities to entice home improvements.

- Ordinance establishing a four-way stop at N 13th and Richmond Sts

Mr. Geffken distributed the results of the traffic study.

Mr. Marmarou noted that the date of the study was during the move out period at the end of the academic year. He noted the increased volume of traffic and pedestrians on these days.

Mr. Waltman stated that the letter from Great Valley Consulting is conflicting. He

stated that the study shows the signs are not necessary but the opinion stated that they are necessary. Mr. Jones explained that the signs are not necessary due to vehicular traffic but are due to pedestrian traffic.

Mr. Spencer questioned if pedestrian traffic was studied on S. 5th St. Mr. Jones stated that it was studied by PennDOT.

Mr. Spencer noted that this study at N. 13th & Richmond Sts was performed on a high traffic day.

Mr. Acosta questioned if this would affect the study. Mr. Marmarou noted his belief that it did. Mr. Jones stated that the study only required counts from one day.

Mr. Jones explained that the City received a request from Albright College to install a stop sign at this location. He stated that the College was told that a study would be needed and that they would need to pay for it. Albright agreed in the spring and conducted the study.

Mr. Spencer questioned how the signs were installed. Mr. Jones noted that they were installed by Public Works. He apologized for not requesting Council approval before installation.

Mr. Waltman questioned if the study was conducted by Albright. Mr. Jones stated that it was and the data given to Great Valley to be analyzed.

Mr. Spencer questioned how the data could be validated as Albright has an interest in having the sign installed. Mr. Jones stated that data is collected electronically.

Mr. Waltman noted that this sign makes N. 13th St a traffic signal, stop sign, stop sign, and traffic signal within four blocks. He noted that there are many other opportunities for students to cross N 13th St. He questioned why the need at this intersection was so urgent. Mr. Jones stated that he did not know the reason the sign was requested by Albright.

Mr. Waltman requested having that information.

Mr. Acosta noted his belief that performing the study on a high traffic day was unfair. He suggested that the study be conducted again on a normal class day. He noted the recent panic of City schools because of several accidents happening in close proximity to one another. He noted his belief that the panic assisted in getting this sign installed.

Ms. Reed questioned why residents are upset with the sign. Mr. Marmarou stated that

N. 13th St already contains enough stops for vehicles.

Mayor McMahon arrived at this time.

Ms. Goodman-Hinnershitz stated her belief that public safety should always come before convenience. She noted the seasonal high volumes at this intersection. She reminded all that if Council does not adopt the ordinance and the sign is removed that pedestrians still have the right of way within crosswalks.

Mr. Acosta questioned the cost to remove the signs. Mr. Jones stated that it would be minimal.

Mr. Sterner noted his support of the recent installation of signs on N. 13th at Greenwich St. He questioned how that sign was installed. Mr. Jones stated that this portion of N. 13th St is a State road. PennDOT received a request from the elementary school which was supported by Senator O'Pake. PennDOT performed the study and installed the signs. Mr. Jones did not have any further background information.

Mr. Spencer noted the inconsistent approach to traffic signals and stop signs.

Mr. Geffken recommended approving the sign at Richmond St. He stated that the City can conduct the survey on another day in September when traffic would be at a normal level. He suggested that the sign not be removed until the second study is conducted even if Council does not approve its installation.

Mr. Jones noted that the study recommended the sign. He noted his concern that if the sign is removed and someone is hurt, the City will be held liable.

- Ordinance changing the flow of traffic on S 14th St from two way to one way

Ms. Goodman-Hinnershitz stated that she recently attended a community group meeting in this area. She noted that the community supports the change of direction but requested a stop sign at S 14th and Muhlenberg Sts to slow down speeders. Mr. Jones noted the need for a study and suggested that the community group collect the data.

- Resolution reaffirming the height variance for the Bottling Plant issued by the Zoning Hearing Board

Mr. Younger stated that this resolution will be withdrawn as the issue is under legal review.

IV. Public Comment

Ernie Schlegel stated that students at Albright need to learn how to cross the street correctly. He questioned if the signal removal at S 5th & Bingaman could have been rejected by Council. Mr. Jones responded affirmatively.

Mr. Schlegel noted the need for traffic studies in the area of N. 5th & Douglass Sts. Mr. Jones stated that a study was performed in this area several years ago and it does not meet the PennDOT warrants. He noted that traffic signals and stop signs have different warrants.

Mr. Schlegel suggested that the City police department partner with the State Police to use radar in high traffic, high speed areas.

V. Executive Session

Council entered executive session to discuss pending litigation at 6:38 pm and exited at 6:53 pm.

The meeting adjourned at 6:54 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk

COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
July 19, 2010
5:00 P.M.

COUNCIL MEMBERS PRESENT:

S. Marmarou, D. Sterner, V. Spencer, F. Acosta, J. Waltman, D. Reed

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Geffken, F. Denbowski, C. Younger, H. Tangredi, C. Weidel, D. Cituk, D. Cieniewicz, T. McMahon

Mr. Spencer called the Committee of the Whole meeting to order at 5:00 p.m.

I. External Audit

Mr. Cituk introduced Linda Himeback and Christopher Turtell from Herbein & Co.

Ms. Himeback stated that this is the draft audit and that she would be highlighting several areas. She stated that a meeting was held with the Administration last week regarding the findings. She stated that the City will receive an unqualified opinion, meaning that the audit is clean and the auditors were able to satisfy the accuracy of the City's financial information. She stated that this is the highest level opinion available and is based on the City's financial statements.

Mr. Spencer questioned the accuracy of the City's financial position as noted in the Act 47 Recovery Plan. Ms. Himeback stated that there were significant adjustments made at the year end and that the Act 47 information does not reflect those adjustments. She stated that the audit does address this issue on page 1 of the audit report.

Ms. Himeback noted that the City still has significant deficiencies and material control problems. She noted that personnel shortages contribute to these deficiencies but that other issues which were previously reported continue to occur.

Mr. Spencer questioned why these issues continue. Ms. Himeback stated that the Finance Department records transactions on a cash basis and that there are problems with reconciliations being performed in a timely basis. She stated that some controls are circumvented due to manpower issues.

Mr. Spencer questioned if any issues were in regard to federal funds received. Ms. Himeback responded affirmatively.

Ms. Himeback continued by reviewing page 80 of the draft report. She stated that many of these findings are the same as previous years with one addition that financial information is not distributed at all or not distributed in a timely and accurate manner. She noted that the City did not use federal stimulus funds in 2009 but that the use of the funds in 2010 will make next year's audit much more stringent.

Mr. Waltman requested an explanation on the ideological difference between reporting on a cash basis versus accrual basis. Mr. Geffken stated that transactions that currently occur annually should be reported on a quarterly basis. He noted that the Administration is working toward that goal.

Mr. Waltman noted that this change is essential to proper cash management.

Mr. Cituk reminded Council that the Administration will be responding to the findings and that those responses will be included in the final report.

Mr. Waltman questioned which federal programs were audited. Ms. Himeback stated that the audit covers the CDBG and HOME programs.

Ms. Cieniewicz stated that a decrease in manpower and the use of old financial policies make it challenging to make improvements. Mr. Waltman noted that the same findings are repeated annually.

Mr. Spencer questioned the draw down time for the HUD programs. Ms. Himeback stated that currently there is a 45 day lag but that the draw down time should be reduced to 10 – 15 days. Ms. Cieniewicz explained that there were delays in 2009 due to retraining on the IDIS system which took approximately two months during which time no draw downs could be made. In addition, the IDIS system was not operational for parts of 2009. She noted that improvements have been made to the IDIS system which will send reminders to users as necessary. She also noted an adjustment period as the

CDBG fiscal officer was relocated to the CD department under a new department director.

Ms. Himeback concurred that many of the City's accounting policies are outdated and need to be revised.

Ms. Himeback highlighted the report on the general fund on page 57 and noted that this report shows the actual versus budget report. She noted that the collection of Act 511 taxes was under budget by approximately $9 million and that the decrease in interest and rent is due to the decrease in interest rates. She explained that the donation from the Parking Authority was split into three funds.

Mr. Waltman questioned the discrepancy with the Act 511 taxes. Ms. Himeback stated that the largest gap occurred in the Real Estate Transfer Tax and suggested that the economy played a large part in creating that gap.

Ms. Himeback stated that the other large discrepancy is the budget projection for the sale of property at $1.7 million. Mr. Cituk explained the projection was for the sale of excess equipment.

Ms. Himeback reviewed the City's expenditures on page 64 of the draft report. She stated that public safety expenditures were over budget by approximately $9.2 million and that $973,000 was spent on debt costs.

Mr. Waltman questioned if the 2010 budget would be more accurate. Mr. Geffken noted that it would.

Ms. Himeback reviewed the information on page 57. She explained that the general fund deficit for year end 2009 was $6.5 million.

Ms. Himeback noted that the general fund started 2009 with a shortfall. She explained that the City issued a TRAN for $6 million and transferred funds from the water and sewer funds. She stated that the audit does look at inter-fund transfers and reconciliations. She explained that the recycling fund shows a positive fund balance due to two years worth of grants being received in 2009. Ms. Cieniewicz noted the need to repay the TRAN in September.

Mr. Denbowski explained that the Solid Waste office projects spending based on knowledge that grant funding will be received. He noted that there are times when expenses are paid in a different fiscal year from the receipt of the grant.

Ms. Cieniewicz stated that a structural deficit still exists if the City is relying on the

receipt of grant funding. Mr. Geffken explained that this was the impetus for the recycling rate increase in 2010.

Mr. Spencer questioned if solid waste funds relied on the State budget. Mr. Denbowski explained that the majority of the programs costs are based on tipping fees.

Ms. Himeback stated that Act 47 requires the statement on page 26 regarding compliance and accountability. She stated that the City must be able to continue to provide public services.

Mr. Geffken stated that the transfers in and out of the sewer fund are covered on pages 39 and 40. He stated that this is a snapshot of year end 2009.

Mr. Waltman noted the sewer fund transfers of $8 - $9 million and the possible need to take a bond to repay these funds. He noted his hope to avoid a bond and to develop a schedule to repay the funds over several years.

Ms. Himeback stated that page 40 shows these transfers as recorded.

Ms. Himeback stated that most findings included in the management letter were raised in past years. She noted that there is one new item which will be included in the 2010 audit. This new item, required by GASB 53, requires that derivatives be recorded on government financial statements beginning in 2010.

Mr. Cituk suggested that any additional questions be submitted to his office. This will allow Herbein to respond to the questions at the formal presentation on July 26.

II. Executive Session

Council entered executive session to discuss personnel issues at 5:48 pm and exited at 6:08 pm.

The meeting adjourned at 6:08 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk

BILL NO._____-2010

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS "THE FIRE TRAINING CENTER", READING, BERKS COUNTY, PA FROM THE CITY OF READING TO THE COUNTY OF BERKS.

WHEREAS, the City of Reading is interested in transferring ownership of property known as "the Fire Training Center", Reading, Berks County, Pennsylvania; and

WHEREAS, the County of Berks is willing to obtain ownership of said premises under certain conditions; and

WHEREAS, the City of Reading finds that said conditions are acceptable.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as "the Fire Training Center" , Reading, Berks County, Pennsylvania, (pursuant to the attached agreement's conditions) from the City of Reading to the County of Berks.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted_____, 2010

_____
President of Council

Attest:

_____
City Clerk

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this _____ day of

_____,

2010, between the County of Berks, with its principal place of business at 633 Court Street, 13th Floor, Reading, Pennsylvania 19601 (hereinafter the "County") and the City of Reading (hereinafter the "City"), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of the land on which the County of Berks maintains the Berks County Fire Training Center;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval, for the consideration of one dollar ($1.00) and without restriction, fee simple title to the Fire Training Center land. The land transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building. In addition, the County shall be given a six (6) foot right-of-way along the property line to be maintained by the County and access to the property's storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.

2. This Agreement is contingent on the subdivision plan being approved by the City

Planning Commission. The City shall prepare and submit to the Planning Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision.

3. The County of Berks shall be permitted, at its expense, to immediately conduct a
survey of the property to prepare an appropriate legal description of the property to be transferred.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, with the County having the right to approve and/or modify proposed training depending on costs or operational issues.

5. In the event the County decides to sell the Fire Training Center buildings and/or
land, the City shall be given the right of first refusal to purchase the buildings and/or land for fair market value.

6. The County shall grant to the City of Reading and Cumru Township utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant.

7. The County shall be responsible for the utility costs of electric, gas, phone and trash removal for such time as it continues to own the Fire Training Center.

8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.

9. The City shall be permitted, at its cost, to install communication equipment on the
existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment. Additionally, all utility costs associated with the equipment shall be the responsibility of the City. The City shall permit periodic interruptions in the operation of the communication equipment as may be necessary for the County or its contractors to maintain the
water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County
shall have the right, at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

CITY OF READING COUNTY OF BERKS

_____ _____

Mayor Mark C. Scott, Esquire
Chair Board of Commissioners

_____

City Council President

ATTEST: ATTEST:

_____ _____

Terry L. Styer, Chief Clerk

ATTACHMENT A

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. The cost of consumables shall be billed to the City. The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.

2. An office in the Fire Training Center Administration Building for use by the Reading Fire Department Training Lieutenant.

3. A gear locker, a personal use locker, and classroom storage space.

4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City

Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom “B.” However, reservations will be accepted on a first come first served basis.

5. Controllers for City Apparatus and Chiefs to open the gate to the property.

6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.

7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

The City agrees that:

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.

2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.