



CITY COUNCIL

Committee of the Whole

Monday, March 28, 2016

5:00 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.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012.

- I. Animal Rescue League – Liz McCauley**
- II. Aulenbach’s Cemetery – M. Goodman-Hinnershitz**
- III. Angelica Park and the DCNR**
- III. Agenda Review**
- IV. Other Matters**



COMMITTEE of the WHOLE
CITY COUNCIL

MINUTES
March 14, 2016
5:00 P.M.

COUNCIL MEMBERS PRESENT:

S. Marmarou, M. Goodman-Hinnershitz, C Daubert, B. Twyman, D. Reed, J. Slifko, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, T. Butler, T. Coleman, D. Cituk, T. Krall, D. Pottiger, W. Scott, R. Johnson, H. Tangredi

The Committee of the Whole meeting was called to order at 5:04 pm by Mr. Waltman.

I. PennDOT Ordinances for Introduction

Mr. Krall stated that PennDOT is addressing 16 intersections on 5th St. He stated that at the intersection at Franklin St one parking space will be removed to improve safe maneuvering through the traffic signal and striping will be added. He stated that at Woodward St one parking space will be removed and that six parking spaces will be removed at Oley St for better line of sight.

Mr. Krall stated that parking spaces will also be lost at Douglass St. He stated that he understands Council's wish to add a traffic signal at either Douglass St and/or Oley St. He stated that he has not yet discussed this issue with PennDOT.

Mr. Slifko stated that this is a \$2 million project for PennDOT. He stated that the project also includes installing handicapped ramps, new poles, new signals, etc.

Mr. Waltman stated that Council has been trying to get a traffic signal installed at either Oley or Douglas for many years and that PennDOT states that it does not meet the necessary warrants.

Mr. Waltman stated that this neighborhood will be losing many parking spaces.

Mr. Johnson stated that he is willing to work with PennDOT on the traffic signal. He stated that the City would most probably need to pay for the required study and the cost of the signal. He explained that Public Works staff has worked hard to minimize the number of parking spaces lost.

Mr. Slifko stated that the next step is a traffic study. He stated that the study must support the need for the signal before it can be installed.

Mr. Johnson stated that the project also includes installation of ADA required ramps and signals and that the lights will be synchronized.

Mr. Waltman suggested that the traffic light be discussed at the upcoming RATS meeting. He also requested a meeting with PennDOT representatives.

Mr. Johnson voiced concern that the traffic signal issue should not cause the City to lose the entire project. He stated that he will contact PennDOT to encourage cooperation. He explained that the cost to install a traffic signal is approximately \$150,000 per intersection.

Mr. Scott suggested that a flyer be distributed to neighbors who will be affected by the loss of parking spaces. Council agreed.

Ms. Reed suggested that the issue also be reviewed at the upcoming Centre Park Historic District meeting.

Mr. Slifko stated that neighbors may find the loss of parking spaces more palatable if a traffic signal is installed. He stated that there have been five pedestrian fatalities at these locations in 16 years. Mr. Johnson stated that if the traffic signals are installed, several of the parking spaces may be able to be reinstated.

Mr. Krall left the meeting at this time.

II. Executive Session

Mr. Waltman noted the need for Council to enter executive session to discuss property leases. Council entered executive session at 5:20 pm and exited at 5:40 pm.

III. Angelica Park and DCNR

Mr. Coleman stated that all the buildings and leases violate the grant agreement. He expressed the belief that the entire acreage must be replaced. He explained that the park is currently being appraised to determine the replacement costs. He stated that the replacement acreage can be owned by the City but cannot be currently preserved. He stated that this process will take time.

Mr. Twyman questioned the timing. Mr. Coleman stated that he is proceeding as quickly as possible while moving forward thoughtfully. He stated that he is unsure if the new building project can begin in the meantime.

Mr. Twyman questioned if the Berks Nature project violates the grant. Mr. Coleman stated that it does.

Ms. Goodman-Hinnershitz requested that Council be updated as other locations are considered. Mr. Coleman stated that he will do so and stated that he is working with Berks Nature and the Redevelopment Authority.

Mr. Daubert questioned if the area around Lake Ontelaunee could be considered. Mr. Johnson stated that this is a possibility.

Ms. Goodman-Hinnershitz suggested that Neversink Mountain be considered.

Mr. Johnson questioned if the replacement acreage must be one large tract. Mr. Coleman expressed the belief that it can be multiple sites.

Ms. Reed suggested Confluence Point Park.

Mr. Tangredi explained that a cost containment group consisting of himself, Mr. Coleman and Ms. Reinhart has been implemented to review expenditures over \$5,000. He stated that this group will become part of the chain of command and stated that there will be no payments made without progress seen on projects.

Mr. Slifko questioned if this group was assembled as a result of the Baker Tilly report. Mr. Tangredi stated that it was not.

Mr. Coleman stated that he is working to tighten the language in the bid for the WWTP project with earned value language. He stated that the bid documents will also include enforcement regulations for stipulated damages.

Mr. Marmarou questioned if this could be enforced now. Mr. Coleman stated that it would be difficult due to the current language but that this will be corrected moving forward.

Mr. Johnson stated that the PennVest funds and reserves will be used to pay for the project.

Mr. Waltman requested a more detailed discussion on this topic at a future meeting.

Mr. Coleman left the meeting at this time.

IV. Access to Records/Information in Hansen

Mr. Waltman noted the need for continued access. He stated that he is willing to institute a log of use and suggested that Ms. Kelleher work with Ms. Castner to move this forward.

Mr. Scott stated that Hansen contains much information. He stated that Council should approve what is reviewed.

Mr. Waltman suggested that Mr. Tangredi also work with Ms. Kelleher. He stated that access is needed to the current data not to old data on the internet.

Ms. Reed recommended that Administrative staff also log their access.

Ms. Kelleher stated that this is public information.

Ms. Goodman-Hinnershitz stated that she does not oppose the log but that public access is needed.

Ms. Kelleher reviewed the Law Office Right to Know policy and stated that the information in Hansen is public and that no forms are needed.

Mr. Slifko described the arduous and time consuming process that he had to follow to find information without Hansen access. He stated that he felt like a detective and had

a very difficult time. He stated that access is important so Council and Council staff can do their jobs.

Mr. Marmarou agreed that Council members and Council staff answer many constituent calls.

Mr. Tangredi stated that the information is available through the open data platform and is updated on a monthly basis without direct access to Hansen. He stated that the information is available but in a different location.

Mr. Waltman stated that Council staff needs direct Hansen access not access to outdated information.

Ms. Goodman-Hinnershitz stated that Councilors are not always aware of the many requests of Council staff as they are part-time and not often in the office during office hours. She stated that staff must have access to this information.

Mr. Tangredi left the meeting at this time.

V. Citizen Initiative Commission

Mr. Twyman expressed the belief that many citizens do not feel they have access to officials. He also noted the need to educate citizens about how government works. He expressed the belief that this Commission would not challenge official actions but help to enhance the City.

Ms. Reed questioned if this would be a new Commission or a Committee. Mr. Waltman stated that this is a good question and needs to be clarified. Mr. Twyman stated that he would prefer an autonomous Commission.

Mr. Slifko stated that the Legislative Aide Committee was very helpful in the past. Ms. Kelleher stated that there was also a Citizen Advisory Board.

Ms. Goodman-Hinnershitz noted the need to understand the legal definitions of Commission versus Committee. Mr. Waltman expressed the belief that generally a Commission is more formal. He noted the need for Mr. Twyman to work with Ms. Kelleher to draft legislation.

Mr. Twyman explained that the general framework of the Commission would have him as chair and Mr. Daubert as vice chair with Ms. Goodman-Hinnershitz as an alternate.

He suggested that the Administration have two representatives along with one member from each Council District and a representative of the Reading School District.

Ms. Reed noted the need for this new entity not to have the same weaknesses that the Citizen Advisory Board had in the past. She also expressed the belief that citizen education is sorely needed.

Mr. Twyman stated that he hopes the Commission also increases the comfort level of citizens to appear at meetings and bring ideas forward.

Ms. Goodman-Hinnershitz stated that it will also be helpful for citizens to understand how legislation is developed.

Mr. Slifko suggested that there be a structured way of presenting Commission issues. He suggested a recurring slot on a Committee agenda.

Mr. Twyman agreed and stated that the Commission would draft their own bylaws. He stated that he and Mr. Daubert will work with Ms. Kelleher to move this forward.

VI. Agenda Review

Council reviewed this evening's agenda including:

- Resolution hiring firefighters

Mr. Marmarou questioned if these were all new hires. Ms. Kelleher stated that they are.

Ms. Goodman-Hinnershitz questioned if the new hires were from diverse backgrounds. Ms. Kelleher stated that she was unsure but that they must follow the civil service process.

Mr. Scott stated that Portnoff is moving hundreds of liens to Sheriff Sale. He stated that he heard from a resident whose \$364 outstanding balance has had many costly fees added and that now they cannot pay it. He questioned the process.

Mr. Waltman expressed the belief that Portnoff collected past due property taxes in the past. He suggested that the Mayor review this issue with Mr. Cituk.

Mr. Scott questioned if the fees are paid if the property is not sold. Mr. Cituk stated that he would need to review the contract with Portnoff.

Mr. Waltman suggested that this be reviewed again to see if collection could be done in-house for extra revenue.

Mr. Slifko questioned if the fees were contractual. Mr. Waltman expressed the belief that they are.

- Ordinance amending the Stadium Commission

Mr. Waltman stated that an appointment resolution will be needed after this amendment is passed. Mr. Johnson stated that Mr. Ruyak is the current liaison for Public Works.

Mr. Slifko questioned why this amendment was needed. Ms. Reed stated that it is a way to get information firsthand. She stated that this would not be a voting member.

There was no further discussion.

- Ordinance amending the Fee Schedule Section 126 Property Sales

Ms. Butler explained that the amendment would reduce the fee for the inspection of vacant lots. She stated that the inspection extension represents the third time an inspector visits the same property for the same issue.

- Resolution appointing the Administrative Services Director

Mr. Waltman stated that this resolution will be withdrawn this evening so that action is taken at the same meeting as the setting of the salary. He stated that the candidate will be interviewed by Council next Monday.

VII. Other Matters

- Baker Tilly Report

Mr. Waltman suggested that this be discussed at the Finance Committee meeting.

Ms. Goodman-Hinnershitz expressed the belief that this report was referred to as an audit. She stated that it is not a true audit.

Mr. Waltman stated that Council and the Auditor already knew the information contained in the report. He stated that former Mayors also had this information.

Ms. Goodman-Hinnershitz stated that this report does not include steps that the City has already taken to correct the findings of the 2014 external audit.

Mr. Cituk stated that he reviewed this report with Mr. Pottiger and Mr. Zale. He stated that the information contained in the report was already known. He stated that any further work must be done through the RFP process. He agreed that the findings will be reviewed at the upcoming Finance Committee. He voiced support of looking more deeply in areas where it is needed but that the Administration must own the fact that they oversee correcting the audit findings. He noted the need for the City to retain its employees and that each employee be held accountable.

Mr. Twyman stated that he hears many excuses and questioned why the findings are not corrected. Ms. Reed stated that this is a case of legislative versus administrative. She stated that Council does not control or oversee the employees.

Ms. Goodman-Hinnershitz agreed and stated that Council and the Administration receive a report from the external auditor with findings. She stated that it is the Administration's responsibility to respond to and to correct the findings. She noted the need for an update on the progress made on repeat findings.

Mr. Pottiger stated that in 2008 there were eleven findings, in 2010 there were 16 findings, in 2012 there were twelve findings, and in 2014 there were eight findings. He stated that progress has been made and that some of the eight findings from 2014 have already been corrected. He noted the need for employees to have the right skill sets.

Mr. Marmarou noted the need to correct the repeat findings.

Ms. Goodman-Hinnershitz expressed the belief that some findings are more severe and have a bigger impact. She questioned when the Audit Committee would be meeting to address the findings. Mr. Cituk stated that the Audit Committee is dormant. He stated that the Committee would have a quorum but that a citizen with financial experience is needed.

Ms. Kelleher suggested that she contact the applicant for District 6 who had a financial background. Council agreed.

Ms. Goodman-Hinnershitz questioned the need for a full forensic audit. She stated that the FBI is also still investigating the City's finances and noted the need to not impede their investigation.

Mr. Scott questioned why Herbein was paid for an external audit to receive the same information each year. (*Note: an annual external audit is required per Charter Section 914 Independent Audit.*)

Ms. Goodman-Hinnershitz questioned if the Mayor understood the role of an independent auditor. Mr. Scott stated that it was to review the City's financial information.

Ms. Goodman-Hinnershitz stated that the findings will continue if no action is taken to correct them. Mr. Scott stated that Ms. Goodman-Hinnershitz does not want to debate this as she will not win.

Mr. Slifko stated that if no action is taken by the City to correct a finding it is not Herbein & Co.'s responsibility. He thanked Mr. Scott for looking at this issue.

Mr. Waltman stated that Herbein & Co. is very competent and is familiar with performing governmental audits. He stated that they never sugar-coated findings and they are a very credible firm.

Mr. Scott stated that the issue is not with Herbein but that some related to the firm contributed to the political process. He stated that this gives the appearance of impropriety.

Ms. Reed stated that the Board of Ethics is reviewing the contribution issue as action should be taken during a non-election year.

Ms. Goodman-Hinnershitz supported the position that those with City contracts not make political contributions.

- Employee Cost of Medical Insurance

Mr. Waltman stated that the employee cost of medical insurance continues to rise sharply. He stated that this mostly affects employees with families. He explained that current employees are absorbing the cost of retiree benefits. He noted the need to address this issue.

Mr. Pottiger stated that he has had discussions with Mr. Mann about this issue and that he is working with Human Resources.

Mr. Marmarou stated that some retirees take a bonus at their current non-City position and remain on the City's healthcare. Mr. Cituk stated that the City also offers this bonus to employees who can be covered by their spouse.

Mr. Waltman stated that current employees will not receive this future benefit but are paying for it for others.

Mr. Twyman stated that he has spoken with Mr. Mann about this issue. He noted the need to continue review and to advocate for change at the State level.

- Pagoda Walls

Mr. Johnson explained that he has received the preliminary report. He stated that the wall has been scanned and it has been found that the ground is sinking and that the wall is too steeply angled.

Mr. Slifko questioned who designed the wall. Mr. Johnson stated that this is the original wall.

Mr. Waltman questioned if the angle can be corrected. Mr. Johnson stated that this is a large issue and that must be assessed.

- City Hall Roof Replacement

Mr. Scott stated that storm chasers have offered to evaluate the hail damage to the roofs of all City-owned properties but that they want a contract. He stated that he cannot sign a contract without Council approval. He stated that the appraiser would charge the City 5% - 10% of proceeds. He stated that there are 77 properties.

Mr. Scott suggested a policy to allow the Administration to enter into some types of contracts without Council approvals. He stated that the deadline to take action on the hail damage is May 2016.

Mr. Waltman questioned why this was not addressed sooner. Mr. Johnson stated that staff evaluated the roofs and did not see any major issues. He stated that the Risk & Safety Coordinator did not file a claim with the insurance provider. He expressed the belief that the City can ask that the deadline be extended.

Mr. Waltman expressed the belief that Council approval is not necessary when filing insurance claims.

Mr. Scott stated that he will contact the storm chasers to see if any are willing to begin work without a contract.

Ms. Butler questioned why a claim was not filed until now. Mr. Johnson explained that the storm chasers can get higher payouts but then require a fee. Mr. Slifko agreed and described his personal experience with hail damage on his roof.

Mr. Johnson stated that the City Hall roof and flashing will cost \$100,000.

Mr. Twyman questioned why no claim was filed. He again noted the excuses and questioned who was accountable. Mr. Johnson stated that there is finger pointing between Public Works and Risk & Safety.

Mr. Slifko expressed the belief that not all damage was able to be seen immediately.

Mr. Twyman noted the need for the City to save money and keep its costs down.

VIII. Executive Session

Mr. Waltman announced the need for an additional executive session to discuss personnel matters. Council entered executive session at 6:52 pm and exited at 6:53 pm.

IX. Aulenbach's Cemetery

Ms. Goodman-Hinnershitz and Mr. Waltman noted the need for \$5,000 to assist Aulenbach's cemetery. Mr. Scott voiced his agreement and support of providing Aulenbach's cemetery with \$5,000.

The meeting adjourned at 6:54 pm.

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