



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
December 8, 2008
4:00 P.M.
Council Office

COUNCIL MEMBERS PRESENT:

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

OTHERS IN ATTENDANCE:

L. Kelleher, S. Katzenmoyer, C. Younger, C. Kanezo, R. Hottenstein, T. McMahon

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 4:17 p.m.

I. Budget Discussions/Full Time Position Ordinance

Mr. Spencer announced that Council would be introducing an ordinance at this evening's regular meeting which would keep property taxes at the 2008 rate. He noted that this is a result of the 5% property tax increase being vetoed by Mayor McMahon. He reminded all that the budget can be amended as necessary as issues change. He again noted the need for Council to know the Administration's stance on these issues.

Mr. Spencer noted that the Full Time Position Ordinance needs to be adopted by the end of 2008. He suggested waiting to adopt this ordinance until the Administration takes action on the 2009 budget.

Mr. Spencer questioned if salaries would be included in the Full Time Position Ordinance. Mr. Hottenstein replied that the positions would be included but the salaries would not be included. Salaries would be provided to Council for their information, but it is the Administration's position that the salaries should not be included as that could be viewed as Council approving the salary along with the position.

Mr. Spencer questioned if the budget could be amended after adoption. Mr. Younger indicated that he would need to research the Charter and the Administrative Code. He will provide a report to Council.

Mr. Spencer questioned the Administration's position on 2009 revenue shortfalls. Mr. Hottenstein distributed a handout showing expense cuts by cost center. He noted that an AFSCME employee costs approximately \$50,000 per year and a police officer costs approximately \$100,000 per year. He informed Council that the City covers healthcare expenses for retirees at full cost until they qualify for Medicare. He noted that the majority of budget expenses are personnel costs. He noted that personnel would need to be cut to make real adjustments to the 2009 budget.

Mr. Marmarou questioned the number of employees listed in the Full Time Position Ordinance. The number for 2009 is 736. Mr. Marmarou further questioned the current number of the police force. Mr. Hottenstein noted that it is approximately 203.

Mr. Spencer questioned if the City was still participating in the State program for additional police officers. Mr. Hottenstein reported that the City is not participating and that the State did not require a refund of grant money.

Mr. Marmarou reported that there is no mandate on minimum manning in police. He questioned if the same was true for fire fighters. Mr. Hottenstein stated that there are minimum manning numbers for fire apparatus. He noted that 22 fire fighters must be on duty per shift, 24 hours per day. He noted that stations could be consolidated but that minimum manning would remain the same. He noted that 90% of the Fire Department budget is personnel.

Mr. Spencer questioned when the IAFF contract expired. Mr. Kanezo indicated that it expires in 2010.

Mr. Spencer questioned how many police officers were on patrol duty. Mr. Hottenstein stated that numbers depend on the unit. He indicated that the City is currently working with the County to find ways to cooperate with overlapping duties.

Mr. Marmarou questioned how many police officers and fire fighters were ready to drop in 2009. Mr. Hottenstein did not have that number available. He did indicate that if these police officers are not replaced police response times will suffer and services will be impacted.

Ms. Goodman-Hinnershitz questioned if the officers responsible for the GREAT program in City schools would be impacted. Mayor McMahon indicated that they would not be as they are State funded. He also reminded Council that the Reading Housing Authority reimburses the City for its police patrols.

Mr. Sterner stated his concern with the Fire Department. He noted that fire fighters have much idle time during their shifts. He also noted that police and fire overtime is a large expense. Mr. Spencer reminded Council that during the line item review, it was noted that this expense has been reduced.

Mr. Spencer reported that he has many residents asking him questions regarding these issues.

Ms. Goodman-Hinnershitz questioned if an efficiency study has been done for all City departments. Mr. Hottenstein indicated that finance, police and EMS have been studied recently. He noted the need to study public works. He stated that Department Directors should be doing this on an on-going basis.

Mr. Spencer questioned the projected cuts in non-uniform workers. Mr. Hottenstein replied that this would depend on the services that are cut.

Mr. Spencer questioned if part-time temporary help would be affected. Mr. Hottenstein noted that it would be. A provision in the AFSCME contract states that all part-time and temporary help must be released before layoffs of AFSCME members can occur.

Mr. Marmarou questioned the amount of part-time help in the recreation department. Mr. Hottenstein indicated that it was \$395,000 for summer playground leaders and park security. Mr. Marmarou further questioned the number of full time employees in recreation. Ms. Katzenmoyer indicated that it was three.

Ms. Goodman-Hinnershitz noted her work with numerous budgets and numerous organizations. She noted that making personnel decisions is always difficult. She noted the need to study and reduce healthcare costs. Mr. Hottenstein informed Council that savings have been realized since the City has become self-insured.

Mr. Spencer stated that three of four collective bargaining units and management currently contribute to healthcare costs. He noted the need for the fourth collective bargaining unit, the IAFF, to contribute.

Ms. Goodman-Hinnershitz questioned the next steps necessary. Mr. Spencer again indicated that a property tax ordinance would be introduced this evening to keep the rate the same as that of 2008. A special meeting will be held (if necessary) on budget issues on Monday, December 15.

II. Reading School District Water Usage

Mr. Spencer informed Council of the meeting scheduled for Thursday, December 11 at 5:30 pm between Council and the Reading School Board. He noted his desire to limit discussion to this issue. He encouraged all Councilors, the Mayor and Managing Director to attend and to bring their questions and concerns.

Mr. Spencer reminded Council that information was received from recreation outlining their use of school district buildings.

Mr. Spencer also informed Council that an invitation has been extended to Council to attend the School District's Public Safety Committee meeting on Thursday, December 11 at 6:30 pm. Mr. Hottenstein noted that the City has agreed to place two police officers at Reading High School full-time beginning on January 1. The District will cover the fees associated (\$50,000 each) with these officers.

Mr. Spencer stressed the need to complete the installation of water meters in district buildings.

III. Standard Operating Procedure for Forced Entry Inspections

Mr. Spencer called Council's attention to the current SOP as provided by the Administration and the comments made by Eric Weiss. Mr. Hottenstein noted that this is a draft policy.

Mr. Spencer noted the need for Council input in the policy.

Mr. Sterner noted his concern about waiting for a locksmith to arrive at a location. He noted that this does not appear logical. Mr. Spencer noted that this would depend on the urgency of entry.

Mr. Sterner voiced his opinion that if a warrant has been issued, there should be no leniency.

Mr. Spencer noted that the cost of the locksmith could be passed on to the property owner. Mr. Marmarou noted that entry cannot be gained without some type of damage.

Mr. Fuhs noted his request of an outline of the internal process including authorizations of the managing director, mayor, solicitor, and Council. He noted that this information is not contained in the policy. Mr. Hottenstein noted that this is done prior to this point in the policy. He noted his willingness to share that information. He noted that forced entry for codes issues and police issues differ.

Mayor McMahon noted that in the case in point the legal process was followed. He noted that this is the only case where a warrant was not respected. He noted the need for the Administration to trust that staff is acting in a professional manner.

Mr. Fuhs noted that search and seizure are very powerful enforcement tools. He noted that police officers get extensive training in this area. He also noted that codes officers are not as extensively trained. He stressed that City officials should know about forced entries by codes staff. Mayor McMahon agreed but noted that police are involved in these entries.

Mr. Fuhs questioned what class training codes employees received regarding search warrants and if this training was noted in employment files. Mr. Hottenstein noted that inspectors are not trained but that management is.

Mr. Spencer questioned if the intent of these inspections is to gain access or to show authority to gain access. He noted that police entries outweigh codes entries. He noted that it may be necessary to gain access but questioned if it was necessary to use forced entry. He noted the bad image this sets and added that it may be overkill.

Ms. Goodman-Hinnershitz noted the confrontational manner of the subject of the forced entry inspection. She noted that this affected all involved. She noted the need for protocol and to gain entry by the least intrusive manner.

Mr. Fuhs questioned if legal permission from the renters was sought. Mr. Hottenstein noted that it was but that they also refused entry. He indicated that he will be speaking with codes staff and will update the policy. Council will be kept updated.

IV. Agenda Review

Council reviewed the agenda for this evening's meeting.

Lost or Stolen Firearms

Mayor McMahon requested Council enact the Lost or Stolen Firearms Ordinance. He noted that cities across Pennsylvania (Allentown, Pottsville, Philadelphia, Pittsburgh, and York) are enacting this legislation. He noted that this is viewed as a way to decrease gun trafficking in Pennsylvania. He noted that Pennsylvania is one of the worst states in illegal handgun exports. He noted that this is not gun control but is gun safety. He noted that guns that change ownership without the correct transfer papers are illegal. He noted that this is not the answer to gun violence but it will address that issue. He noted that this legislation was introduced at the State level but has been tabled. Local municipalities are enacting the legislation to pressure the State. He noted that this applies only after the owner discovers the gun is missing and will only be enforced during criminal investigations.

Mr. Marmarou questioned why Reading could not wait for State action. Mayor McMahon noted that the State has been delaying action for five years. He noted that 92% of gun owners favor this legislation.

Mr. Spencer questioned the similarity between this ordinance and the State legislation. Mayor McMahon indicated that they are the same. He noted that he does not agree to wait for the State to take action.

Mr. Sterner noted that this issue was discussed at a Public Safety Committee meeting. He noted the Police Chief's concern with enforceability.

Ms. Goodman-Hinnershitz questioned the position of the Police Chief.

Mr. Marmarou questioned the position of the local FOP.

Mr. Spencer questioned the intent of the ordinance. Mayor McMahon noted the problems with gun trafficking and straw purchases.

Mr. Spencer noted that the penalties in this ordinance are \$1,000 fine and 90 days imprisonment. He noted that penalties should be higher if this is to change behaviors.

Mr. Spencer questioned whether this issue fell under federal law. Mr. Younger noted that it does in certain circumstances.

Mr. Fuhs noted that Easton does not support this ordinance. He noted the Easton solicitor's belief that it was problematic.

Mr. Fuhs requested factual findings that this will decrease gun trafficking. He noted that there was no response to this request. He noted his belief that it will have no effect on straw purchases. He questioned how this would affect gun violence in Reading. Mayor McMahon noted that this will allow police officers to begin looking for the lost or stolen gun before it is used to perpetrate a crime. He noted that this is not part of a political agenda but is to advance public safety.

Mr. Fuhs questioned how this would protect legal gun owners. Mayor McMahon replied that gun owners have a responsibility to maintain control of their weapons.

Mr. Fuhs questioned how this would affect gun traffic. Mayor McMahon indicated that usually one person is responsible for many straw purchases and illegal guns continue to be traced back to several people. Mr. Fuhs noted that there are laws covering this issue and it is the responsibility of ATF.

Mr. Spencer noted that Mr. Waltman would not be attending this evening's meetings as he is ill. He noted Council's past agreement to take action on controversial issues when all Councilors are present. Council agreed to take action at the December 22 meeting.

Ms. Goodman-Hinnershitz indicated that she had a report from the ATF and will provide copies of this information to Council before the December 22 meeting.

Mr. Sterner requested the position of the Police Chief and the FOP.

Mr. Fuhs noted that it is rare that law enforcement does not want more laws.

Feasibility Study Angelica Education Center

Mr. Hottenstein noted, regarding the feasibility study for the Angelica environmental education center that a grant was not available to pay for the study but that the study was necessary to apply for grants for the education center. He noted that it would be possible to pay for the study with capital improvement funds. He noted that he would discuss the issue at length at the December 15 Public Works Committee meeting.

Mr. Spencer noted that the firm with the highest cost was chosen.

Mr. Marmarou requested that educational facilities be approached to contribute money toward the study.

Right to Know Amendment

Mr. Fuhs questioned where the amendment to the City's Right to Know Law originated. Ms. Katzenmoyer explained that this is based on the State's new Right to Know law and incorporates State language into the City ordinance. She noted that action must be taken prior to the State's Right to Know Law becomes effective on January 1. She noted that this amendment now allows for appeals of denials of information to the State Open Records Office, shifts responsibility for proving the

openness of a record to the municipality and sets consistent reproduction fees. She noted that she has had some initial training on the issue and will be getting further training through PLCM along with Tammi Reinhart, Tonya Butler, Linda Kelleher, and Cindy Weidel.

Planned Residential Development

Mr. Spencer noted that the Planned Residential Development zoning overlay will be introduced this evening. He noted that additional research needs to be done by Council before its final passage.

Mobile Food Vendor extension

Mr. Spencer noted that the extension of the mobile food vendor deadline is a result of a meeting between the City, several mobile food vendors and representatives of the Latino community. Mr. Sterner noted that this will be the last deadline extension.

Police Chief Heim joined the meeting at this time.

Mr. Marmarou questioned if Chief Heim knew the position of the FOP on the Lost and Stolen Gun Ordinance. Chief Heim indicated that he did not know their position.

Mr. Marmarou questioned Chief Heim's position on the ordinance. Chief Heim noted that it is an effort to get stricter laws with stiffer penalties.

Mr. Sterner questioned if enforcement of the ordinance would be an issue. Chief Heim noted that it would not.

Mr. Sterner expressed his thanks to the Police Department for their assistance at Hillside during the holiday lights display.

V. Other Discussion

Mr. Spencer noted his desire to have a holiday gathering during the Committee of the Whole meeting on December 22.

Mr. Spencer updated Council on his involvement in the value engineering of the waste water treatment plant project. He noted that there is a possible savings of \$97 million through value engineering and delaying less urgent portions of the project. He noted that the forensic audit has begun and that another value engineering review would be undertaken when the design is 60% complete.

Mr. Hottenstein announced that he will not be at next Monday's Council sessions and will return to work on Wednesday, December 19th.

The meeting adjourned at 6:40 pm.

Respectfully Submitted

By: _____
Linda A. Kelleher, City Clerk