



# ***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 5<sup>th</sup> 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 McMahan 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 11<sup>th</sup> St, 315 N 6<sup>th</sup> 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