



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**September 9, 2013**  
**5:00 P.M.**

### **COUNCIL MEMBERS PRESENT:**

D. Sterner, R. Corcoran, S. Marmarou, M. Goodman-Hinnershitz

### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Younger, D. Cituk, T. Butler, C. Snyder

The Committee of the Whole meeting was called to order at 5:04 pm by Council Vice President Goodman-Hinnershitz.

### **I. Angelica Park Lease Agreements**

Alvernia VP of Finance Doug Smith, Alvernia legal representative Mike Gombar, Berks County Conservancy Executive Director Kim Murphy, and Berks County Conservancy legal representative Brett Fegley were in attendance for the review of the agreements.

Ms. Snyder stated that work on these agreements has taken 18 months. She stated that this is a very complex set of agreements and that summaries of the agreements will be sent to Council. She stated that these three agreements deal with Angelica Park. She stated that an amendment to the lease with Alvernia regarding the ball fields will be handled separately in the near future.

Ms. Goodman-Hinnershitz clarified that these agreements are being introduced at this evening's Council meeting. Ms. Snyder agreed and stated that Council must permit the Mayor to sign the agreements.

Mr. Waltman arrived at this time.

Ms. Snyder reviewed the tri-party agreement. She stated that this is an interim agreement good for a five year period while the Conservancy fundraises to build their new headquarters. She stated that the agreement outlines each parties' responsibilities. She stated that the

separate agreements between the City and Alvernia and the City and the Conservancy are very inter-related. She stated that the tri-party agreement ends in five years if the Conservancy does not begin the construction project.

Ms. Snyder stated that the agreements cover the area near or at the current boathouse.

Mr. Spencer arrived at this time.

Ms. Snyder stated that the tri-party agreement specifies the following responsibilities in zones 1 - 3:

- Alvernia – electricity and the maintenance of the boathouse
- City – security, major road repairs
- Conservancy – maintenance of the boathouse, the lands around the boathouse, and the parking lot after the beginning of construction

Ms. Snyder stated that the construction project will be near the current boathouse and that the City will approve the design. She also explained that Alvernia has a limited development right in zone 7 and that if the City defaults on the agreement that it must pay for these improvements.

Ms. Butler stated that the tri-party agreement does not terminate after five years due to Alvernia's use of the parking area. She stated that the maintenance of St. Bernardine Street continues to be the City's responsibility.

Ms. Snyder reviewed the agreement between the City and the Conservancy. She stated that the agreement covers the building area, the wetlands, the trails, the conservation area and the wooded area. She stated that the Conservancy intends to construct a new headquarters at/near the boathouse and the agreement provides for a 99 year term.

Ms. Snyder stated that the agreement gives the City the right to terminate the agreement after 30 years with a five year notification period. She explained that part of the funding for the construction is through a grant with PA DCNR and needs an extended lease period. She stated that if the lease is terminated in years 30 – 50 that the City will pay the Conservancy fair market for their headquarters, a 20% premium and their moving expenses. She stated that if the lease is terminated in years 50 – 99 that the City will pay fair market value for their headquarters and moving expenses. She stated that if the lease is terminated at the end of the 99 years there would be no payment.

Ms. Snyder stated that the Conservancy will be providing its current headquarters back to the City. She stated that the new headquarters may incorporate the boathouse if the noxious odor problem can be cured. If it cannot be cured, the boathouse will be demolished.

Ms. Snyder stated that this agreement specifies the following responsibilities:

- Conservancy – own improvements, new construction, maintenance of buildings, wetlands, programming and scheduling of the boathouse, 50% of driveway and parking lot maintenance (not including St. Bernardine St.).
- City – street maintenance, safety, mechanical issues in the boathouse

Ms. Snyder stated that signage is provided for in the agreements and that all agreements include a right of first refusal. She stated that the agreement allows the Conservancy to assign the lease and prohibits the City from changing the zoning of the park.

Ms. Goodman-Hinnershitz stated that Council had concerns with previous drafts of the leases. She opened the floor for questions at this time.

Mr. Marmarou noted his interest in the ball field lease. Mr. Smith noted his understanding that the ball field agreement would be included in this presentation. He noted his concern with moving forward with one agreement but not the other. Ms. Snyder stated that the ball field agreement will be introduced to Council at their meeting on September 23.

Mr. Waltman noted his agreement with the 30 year term of the agreement. He noted the need for the City to continue to have emergency access to the park when necessary. He noted his confusion about the 20% premium on top of fair market value. Ms. Murphy stated that the Conservancy was concerned that their large investment would only be for 30 years. She stated that the premium will assist the Conservancy with relocating.

Mr. Waltman noted the need for the signage to include that the area is a park and is open to the public. He noted that the improvements made must not change the feeling of the park. Mr. Smith and Ms. Murphy noted their intent to keep the setting park-like. Ms. Murphy stated that the Conservancy uses very specific language when advertising events so that it is noted that Angelica is a public park.

Ms. Goodman-Hinnershitz noted the recent transition of this area. She stated that activity will continue.

Ms. Smith noted Alvernia's willingness to work with the City on signage.

Ms. Goodman-Hinnershitz noted her hope that a sign be placed on Route 10 before the park so motorists know they are approaching a park. Ms. Murphy stated that she is working with the State to acquire a brown or blue sign for Route 10.

Mr. Cituk questioned Alvernia if their PILOT/SILOT would continue. Mr. Smith stated that Alvernia would like to get SILOT credit for their maintenance of the park and that he will continue to support a cash PILOT to the City. He noted his hope that both the SILOT and PILOT will increase as the University improves.

Ms. Goodman-Hinnershitz noted that she is impressed by the work Alvernia and its students do in the Reading community. Mr. Smith expressed his thanks.

Mr. Sterner stated that these are excellent agreements. He noted his concern with the current sign as it gives the impression that one is entering the University campus and not a public park. Mr. Smith stated that a sign has been erected on Route 10 noting the City of Reading and Angelica Park. He noted he will continue to work to brand the park.

Mr. Corcoran stated that as District 1 representative he is happy to have Alvernia and the Conservancy as neighbors. He stated that this topic was discussed at a town meeting and that all the feedback was positive. He stated that the projects are exciting and he is looking forward to improvements at the park. He thanked everyone for their hard work.

Ms. Goodman-Hinnershitz noted that the City's forefathers provided for much outdoor recreation space. She stated that this is a great partnership and hoped that this sets the standard for agreements for other City parks. She noted the need to keep the parks active.

Ms. Goodman-Hinnershitz requested that additional questions and concerns be emailed to Ms. Kelleher to share with the Administration.

Mr. Marmarou requested information on the ball field. Ms. Snyder stated that the amended agreement will give other groups more access and that it will be overseen by the Recreation Commission.

Mr. Marmarou questioned when others would have access to the fields. Mr. Smith stated that access begins in late June after the grass has had enough time to rest.

Mr. Marmarou stated that in the past, not enough available field time was available. Mr. Smith explained that Alvernia's teams have been performing well and continue to play after the campus has dismissed for the summer. He stated that the amendment agreement grants access to schools and non-profits at no fee. Ms. Snyder noted the need for the Recreation Commission to become self-sufficient through the fees for facilities.

Mr. Marmarou questioned who set the fee. Mr. Smith stated that it is outlined in the agreement. Ms. Snyder stated that she will distribute this agreement to Council.

Ms. Goodman-Hinnershitz stated that these are exciting discussions.

## **II. Agenda Review**

Mr. Bembenick and Mr. Lloyd arrived at this time.

Council reviewed this evening's agenda including the following:

- Resolution reprogramming \$8,000 in CDBG to Centre Park signage and Resolution reprogramming \$125,000 in CDBG to downtown street furniture

Ms. Goodman-Hinnershitz noted that there are two resolutions on the consent agenda reprogramming CDBG funds for Centre Park signage and for downtown furniture.

Mr. Waltman stated that he has no information about the signage. He suggested that Centre Park worked directly with Mr. Agudo but that the signs will be erected throughout the district.

Mr. Waltman questioned if the downtown furniture came through Main Street. Mr. Lloyd stated that it was through the Main Street Design Committee.

Mr. Marmarou questioned where the furniture would be placed. Ms. Snyder stated that it would be up to the Design Committee.

Ms. Goodman-Hinnershitz questioned if this recommendation came through the Design Committee. Ms. Snyder and Mr. Lloyd replied affirmatively.

Mr. Waltman noted the need for Council to be kept updated on the Main Street initiative.

Mr. Marmarou expressed the belief that the furniture funds could be put to better use. He suggested there be no benches downtown as they will be filled by the homeless.

Ms. Goodman-Hinnershitz stated that she does not support the furniture resolution as she continues to be told that CDBG funds will be reprogrammed for the repaving of Cotton St but other projects continue to be funded instead. She expressed her belief that Cotton St should be a priority project.

Ms. Snyder noted her willingness to have more discussion on this resolution and requested to withdraw it from the agenda rather than have it be defeated on the floor.

Mr. Waltman explained that the CDBG funds for the Centre Park signage are being leveraged with private funding.

- Resolution hiring 19 probationary fire trainees

Ms. Snyder stated that these are the SAFER positions.

- Award of Contract for tree care

Ms. Snyder stated that this is for general care and maintenance.

Mr. Cituk stated that the contract will be paid out of the Shade Tree budget.

Mr. Lloyd stated that the Mayor's office is reformatting the Mayor's report and he hopes it will be more helpful.

Mr. Cituk stated that he had hoped that Council could hear a presentation from Herbein about the 2012 audit at their September 16 Finance Committee meeting. He stated that the audit must be finalized by the end of September. He questioned if Council would like the presentation before they begin budget discussions or after.

Mr. Corcoran stated that the budget will be introduced at a special meeting on September 16 at 5 pm.

Ms. Snyder suggested that Herbein begin their presentation at 5:30 pm.

Mr. Bembenick stated that at the Finance Committee agenda planning meeting the main topic was to be the 2014 budget. Ms. Snyder agreed and stated that the regular financial reports were to be reviewed and then budget discussions begin.

Mr. Bembenick stated that he has planned to make a brief budget review and outline the spending highlights. Ms. Snyder stated that the budget schedule must also be set.

Mr. Waltman suggested the budget review be held before the Herbein presentation.

Ms. Goodman-Hinnershitz noted the need for Council to be disciplined and respectful to Herbein.

Mr. Cituk stated that Herbein is flexible but would like a specific time to be present.

Ms. Snyder suggested having Herbein make their presentation at 6 pm and not to have the regular financial reports at the Finance Committee meeting to allow for more time for budget discussions.

### **III. Executive Session**

Council entered executive session to discuss a personnel matter at 6:13 pm. The executive session ended at 6:32 pm.

The meeting adjourned at approximately 6:32 pm.

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