



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**February 24, 2014**  
**5:00 P.M.**

### **COUNCIL MEMBERS PRESENT:**

D. Sterner, S. Marmarou, M. Goodman-Hinnershitz, D. Reed, C. Daubert, J. Waltman

### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Younger, R. Johnson, C. Snyder, D. Cituk, F. Lachat, V. Spencer, L. Murin

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

### **I. Charter Board Ordinance Amendment - Mediation**

Ms. Goodman-Hinnershitz noted her understanding that this amendment would be a joint effort between the Administration and Council. She stated that Council has been working on a separate amendment and would like to compare them before a meeting with the Bar Association.

Mr. Spencer stated that he has been hoping for an amendment since before August 2013. He noted the need to move this amendment forward. He stated that he asked for Council feedback in the past and received none. He noted the need for the public to be aware that the issue is being addressed. He stated that his press conference referred to January 2005 when it was predicted that this process could become costly. He stated that cost was a concern from the beginning.

Ms. Goodman-Hinnershitz stated that she appreciates the work done on the amendment but would have liked to receive some courteous communication before the press conference. She noted Council's difficulty attending events during the work day.

Mr. Spencer stated that Council should review the proposed amendment and stated that they would need to pass the amendment by ordinance.

Mr. Waltman questioned who the mediator would be if this process is approved by Council. He noted the need to be creative. Mr. Lachat stated that it would be the mediation committee of the Bar Association. He stated that this committee is already established.

Ms. Reed stated that the Bar Association has reached out to Council.

Ms. Goodman-Hinnershitz noted her concern with the fees contained in this ordinance. She stated that it could disenfranchise citizens from their constitutional rights. Mr. Lachat stated that the City would pay the mediation fees. He stated that there would be a fee to file a complaint which would be similar to the fee paid to take an issue to the Court of Common Pleas. He noted his hope that this will cause the complainant to think before filing and will remove impulsive decisions. He stated that the fee would be set by Council as part of the City's fee schedule.

Mr. Waltman questioned if the proposed amendment was presented in ordinance form. Ms. Kelleher stated that it was.

Mr. Waltman noted the need for Council to review the proposed amendment and comment. Ms. Goodman-Hinnershitz agreed and noted the need for all of Council to comment before further discussions occur.

Mr. Waltman stated that the entire Charter Board Ordinance needs to be reviewed. Mr. Lachat stated that other items are addressed in this proposed amendment. He stated that it is his hope that removing the investigative officer from the process will reduce fees and make the costs associated with complaints more fixed for the City.

Ms. Goodman-Hinnershitz noted the need to discuss potential violations before there is a complaint filed. She stated that clear and open communication could reduce the number of complaints and the amount of conflict.

Mr. Waltman stated that there are many gray areas in the Charter and noted the need to find ways to resolution.

Mr. Spencer stated that this amendment would also remove the confidentiality of the complaint and would make the process more transparent. He questioned who wrote the original ordinance. Ms. Kelleher suggested that it was a past Charter Review Commission.

Mr. Acosta arrived at this time.

Ms. Goodman-Hinnershitz suggested that it may have been John Slifko or the independent committee who worked to get the item on the ballot.

Mr. Waltman suggested that Council review the amendment so that it can be discussed in specifics at the March 10 Committee of the Whole meeting. He suggested setting aside 30 minutes for this discussion.

Mr. Spencer stated that he intended for the proposed language to be a starting place and that he understands that Council can make modifications to the draft presented.

Ms. Goodman-Hinnershitz suggested that all review the amendment and put their concerns in writing. She stated that the initial hope of the Charter Board ordinance was to reduce complaints. She stated that it is time to review the ordinance and make amendments.

Mr. Lachat stated that this amendment intends to reduce costs and internal suits. He stated that the Charter Board process is based on the Ethics Board process. He stated that these are different issues and should be treated differently.

Mr. Sterner suggested a step be added before mediation to try to resolve issues quickly. Mr. Lachat stated that this is why he has suggested removing the investigative officer. He stated that the person who decides if the complaint has merit should have control of the decisions and should have more flexibility to resolve the issue.

Mr. Marmarou questioned if a complaint can be withdrawn under the current process. Mr. Lachat stated that it cannot be after it reaches a certain point in the process.

Ms. Goodman-Hinnershitz noted the need to note any possible Charter violations as soon as anyone becomes aware of them. She stated that open and honest discussion will also help to reduce complaints.

Mr. Waltman stated that there are also differing levels of severity and impact. Mr. Lachat agreed and stated that currently the investigative officer makes this determination. He stated that he has recommended amending the process to remove the investigative officer.

Mr. Acosta stated that Council should review the amendment for further discussion at the March 10 meeting.

## **II. BAC Nominations**

Mr. Acosta suggested waiting to discuss the appointment for the Water Authority until after all candidates have been interviewed.

Mr. Waltman questioned who the other candidates are. Ms. Katzenmoyer stated that they are Ernie Schlegel and Gery Fisher.

Mr. Marmarou questioned why this topic is on the agenda. Ms. Katzenmoyer explained that the Committee did not make a determination about the appointments/reappointments at the meeting and she needed guidance whether the candidates were moving forward.

The Committee agreed to move Mr. Miller and Mr. Spadafora forward. Their resolutions will be added to this evening's agenda.

Mr. Sterner questioned if there were other candidates for these positions. Ms. Katzenmoyer stated that there were not.

Ms. Goodman-Hinnershitz suggested that openings not be filled on a first come first serve basis. She suggested that all candidates for a position be interviewed before a decision is made. Ms. Katzenmoyer stated that attached to the Nomination & Appointments Committee agenda is a memo noting all the candidates in the process.

Mr. Marmarou stated that there is currently a backlog of candidates due to the weather cancellations.

### **III. Selection of Board Assignments**

Council reviewed the list of BAC assignments.

- Environmental Advisory Council – no one is available to meet during the work day
- Diversity Board – Francis Acosta
- Solid Waste and Recycling Appeals Board – this Board is not functional. Councilors will be appointed when needed
- Business License Appeals Board
  - Council representation depends on the District in which the business is located and changes based on the appeal.
- Local Redevelopment Authority – Francis Acosta, Strat Marmarou, Chris Daubert
- Blighted Property Review Committee – Donna Reed
- Audit Committee – Donna Reed and Marcia Goodman-Hinnershitz
- Reading Area Transportation Study (RATS) Coordinating Committee – Francis Acosta and Donna Reed
- Berks County Criminal Justice Advisory Board – Marcia Goodman-Hinnershitz
- Capital Improvement Program (CIP) Committee – will be appointed when needed
- Berks Community Action Program – Marcia Goodman-Hinnershitz

### **IV. Agenda Review**

Council reviewed this evening's agenda including:

- Resolutions exonerating City taxes

Ms. Snyder stated that the agenda headings have all the PIN numbers the same. She stated that the PIN numbers are correct in the resolutions. Mr. Acosta stated that he will not read the PIN numbers.

- Resolution approving the Sewage Module for the Big Mill Project

Ms. Kelleher stated that the Administration has requested that this resolution be added to this evening's agenda as part of the consent agenda.

Mr. Johnson explained that this is part of the project approval process. He stated that the project will include residential use, a daycare, and retail space. He stated that the Administration recommends approval of the sewage module.

Mr. Waltman questioned if the project had planning and zoning approval. Ms. Snyder stated that this is part of the process but she is unsure where the project is in the overall process.

Mr. Waltman questioned the costs of the connection. Mr. Johnson stated that there is no hook-up fee. Ms. Snyder stated that it is unusual for a municipality not to have a hook-up fee. Mr. Johnson stated that this approval is needed for DEP.

Mr. Marmarou questioned when this proposed use was presented. Mr. Spencer stated that Mr. Shuman has been working on this project for a long time.

Mr. Waltman stated that this is a very dense neighborhood.

Mr. Sterner noted his understand that parking would be included in the project.

Mr. Waltman questioned if new connections were needed. Mr. Johnson stated that the connections are already there. He stated that the sewage module review recalculates and reassesses the flows. He stated that all other approvals are needed before the building can be occupied.

Ms. Goodman-Hinnershitz stated that this is one small part of the process. She suggested that large projects be presented to Council showing their stage in the process.

Mr. Cituk stated that he has related information for Council. He stated that the City has paid \$150,000 in fines to PA DEP for the force main break which dumped sewage into the river in 2011. He stated that this information will be included in his report this evening.

- Ordinance creating a Curbside Waste Collection Program

Ms. Snyder stated that this amendment will help address the recycling fee issue. She stated that the fee must be added to the fee schedule but that the Administration had not determined the fee until it was too late to run the advertisement.

Ms. Kelleher stated that the ad will run on March 3.

Ms. Snyder suggested tabling the ordinances creating the program and creating the fee.

Mr. Waltman stated that option two includes a fee increase. Ms. Snyder explained that the fee will be added back to the water bill in April. She stated that the City will not back bill but instead will collect the full amount over eight months. She stated that there will be a reduction to the twelve month amount in January 2015. She explained that the Water Authority will add the retro amount of three months to one bill. She stated that the new sewer rates are also effective in March.

Ms. Snyder stated that there will be notices in the upcoming water bill and that the notice must be very clear.

Ms. Goodman-Hinnershitz stated that the public is already reacting to this program and the cost. She stated that it will be a challenge to counteract all the negative public opinion. She stated that those on fixed incomes will not be able to absorb all these costs at one time. She stated that this will be a hard hit on residents and there will be those who cannot pay.

Mr. Daubert noted the need for the City to work to counter the negative public opinion but he stated that the people are understandably upset. Ms. Snyder stated that this is why the City is phasing in the fees.

Mr. Acosta stated that this amendment does not make the City bullet proof. He expressed the belief that the City is still liable in case of another lawsuit. Ms. Reed agreed and stated that there is already talk of another suit when the fee is reinstated.

Mr. Lachat stated that this puts the City in a better position. He stated that next time the issue is heard it will be in the proper court and that this fee addresses all costs for services, not simply recycling.

Mr. Acosta stated that at one time the recycling fund had a surplus. He expressed the belief that this surplus should have been used to reduce the recycling fee. He stated that instead, trucks were purchased. He expressed the belief that the City's fee is too high.

Mr. Waltman agreed and stated that the model cannot continue to increase. He questioned the cost of the spring cleanup that has been added. Ms. Snyder stated that the cost will be shared with Reading Beautification under the recycling budget. She stated that the new fee is an increase of \$7.

Mr. Johnson stated that budget figures were adjusted. He noted the need to review this information with Council.

Mr. Marmarou requested having the recycling fees from other local municipalities.

Ms. Reed requested an update on the recycling truck situation. Ms. Snyder stated that the issue is ongoing.

Mr. Acosta questioned what happened to the recycling fund surplus. Ms. Snyder stated that it was used on the recycling trucks.

Ms. Goodman-Hinnershitz stated that much will be depend on the terminology used. She stated that use of the word municipal will cause residents to assume that the City is moving to a single hauler system. She noted the need to avoid problems encountered in the past when this issue was discussed. Ms. Snyder stated that the City is not moving to a mandatory single hauler system.

Mr. Lachat agreed with Ms. Snyder and stated that this preserves the residents' option to contract with their own hauler.

- Ordinance transferring funds from public works to IT

Ms. Snyder stated that this places all funds in the IT budget so that they have better control of costs.

- Ordinance transferring funds from the general fund to CDBG

Ms. Snyder stated that the federal funds have not been released. She stated that these funds will be transferred back when the federal funds have been received.

Ms. Reed questioned what costs would be covered by these funds. Ms. Snyder stated that it would cover salaries, administrative costs, and projects.

Mr. Acosta questioned the amount of CDBG funds the City should receive. Mr. Spencer stated that it is in excess of \$3 million. Mr. Cituk stated that no funds have been released to date.

Mr. Acosta questioned if any of these funds would cover the costs of the Housing Authority for the Penn St properties. Ms. Snyder stated that they would absolutely not be covering these costs. She stated that the costs would be related to the CDBG budget as passed by Council. She stated that the funds will cover normal operations only.

Mr. Acosta reminded Council that the resolutions appointing Mr. Miller to the Plumbing Board and reappointing Mr. Spadafora to the HVAC Board will be added to this evening's agenda.

## **V. Other**

Mr. Marmarou questioned why the contract approval for the 9<sup>th</sup> & Marion firehouse project was not on this evening's agenda. Mr. Johnson stated that there is a pre-construction meeting this week and the contract will then move forward.

Ms. Goodman-Hinnershitz requested an update on trash and recycling pick up on East Reading streets that was missed due to the condition of the streets. Mr. Johnson stated that all pick up should have occurred and that East Reading is now caught up.

Ms. Goodman-Hinnershitz noted the need to learn from this year's snow events and to make improvements moving ahead. She stated that other municipalities request that bags be placed at corners to make pick up easier. Ms. Snyder agreed and stated that many lessons have been learned. She stated that the Administration is putting a plan together to address these issues.

The meeting adjourned at 6:15 pm.

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