

**City of Reading City Council**  
**Regular Meeting**  
**June 13, 2016**

Council President Waltman called the meeting to order.

The invocation was given by Pastor Felipe Fana, Iglesia Misionera La Senda.

All present pledged to the flag.

The Committee of the Whole meeting included an executive session on litigation.

**ATTENDANCE**

Council President Waltman

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Twyman, District 3

Councilor Reed, District 5

Councilor Slifko, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director G. Steckman

Mayor W. Scott

Council President Waltman stated that Councilor Marmarou is excused due to a health issue.

**PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations or presentations issued at this meeting.

**PUBLIC COMMENT**

Council President Waltman announced that the rules will be suspended to allow Bill No. 22 to dissolve RAWA to be called up for a vote at this time, after public comment on the Bill is heard. He explained that he has a schedule conflict and will need to leave the meeting after the vote. He inquired if any Councilor objected to suspending the rules for this purpose. No one objected.

Councilor Daubert read the Council public comment rules English and a citizen in the audience read the rules to the audience in Spanish.

**Josue Garcia-Fisher, of Lebanon**, stated that he is a landlord and he expressed the opinion that RAWA's business dealings are unfair and unjust. He described a water charge of approximately \$4,000 and RAWA told him to hire a plumber to find what caused the problem. He stated that the plumber found nothing to substantiate the problem or the charge. He stated that RAWA refused to acknowledge that there may be a problem with the meter, not the pipes. He expressed the belief that the billing practices employed by RAWA are unfair and that the Authority is abusive. He stated that while he always tries to do things the right way, he finds no resolve.

**Andrew Molteni, of Pear Street**, agreed that RAWA should be dissolved. He expressed the belief that a \$97 water bill for a one (1) person household is too high. He suggested that everyone work together rather than walking down the street to nowhere-ville. He expressed the belief that high salaries of RAWA employees are unnecessary and he suggested that people volunteer to perform those services and functions.

**Shelia Perez, no mailing address listed on the sign in sheet**, agreed with the dissolution of RAWA due to their exorbitant expenditures and unethical practices. She disagreed with the creation of a new authority to replace RAWA and she expressed the belief that water should be run as a City service under the control of the PUC. She noted the opinions expressed by Judge Sprecher in a 2014 court ruling that highlights the various problems with RAWA. She questioned the process to create the new authority and claimed that providing information in English alone is a violation of the Voting Rights Act. She questioned the City Clerk's role in the process to create the authority and noted the need for a public hearing prior to the vote on the ordinance to create a new authority.

**Evelyn Morrison, of Church Street**, suggested that those individuals having water billing issues should avail themselves of the process in place to meet with RAWA officials. She volunteered to assist those in need. She described the problem with paying the water bill at non-authority locations such as check cashing locations where the transfer of the cash can take up to a week and create penalties and additional charges to residents. She agreed with Ms. Perez that a public hearing is needed before a new authority can be created. She expressed concern with fees paid to subcontractors by RAWA as those fees are paid using Authority funds generated by citizens. She expressed the belief that the activities of all appointed and elected officials should be explored to identify improprieties and conflicts.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Waltman called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the May 23<sup>rd</sup> Regular Meeting of Council. He noted the need to amend the agenda to include an appointment resolution for RAWA. No one objected to the amendment of the agenda.

**Councilor Daubert moved, seconded by Councilor Reed, to approve the minutes from the**

May 23<sup>rd</sup> Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

## **Consent Agenda**

**A. Resolution No. 50-2016** – authorizing the execution of the PY2014, PY2015 and PY2016 CDBG Action Plan Amendment to program \$1,100,000 in unprogrammed CDBG funds for the Fire Protection Equipment Activity (the purchase of a Ladder Vehicle) for the 3rd and Court Station

**Bill No. 22-2016** – dissolving the Reading Area Water Authority *Introduced at the May 23 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to enact Bill No. 22-2016.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed to amend Bill No. 22- 2016 by eliminating the word “sale”, changing the dissolution date to December 31, 2016 and replacing “demanding the resignation” with “requesting the resignation”.

The amendment to Bill No. 22-2016 was adopted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman President -**

**6**

**Nays: None - 0**

Councilor Slifko stated that while he supports the dissolution at this time, he is unsure what will replace the RAWA organization. He noted Council’s work to address and correct various RAWA related issues over the past few years.

Councilor Reed expressed the belief that the terms negotiated two (2) years ago were never completed properly by RAWA. She noted that while there was a conflict between the Mayor and Council two (2) years ago about the dissolution of RAWA, there is agreement between the Mayor and Council in 2016.

Council President Waltman agreed that Council and the administration are taking a big step by dissolving RAWA and he agreed that a public hearing will need to occur prior to the enactment of an ordinance to create a new authority.

**Bill No. 22-2016 was enacted, as amended, by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman President -**

**6**

**Nays: None - 0**

Council President Waltman was excused from the meeting at this time and Vice President of Council Reed took the chair.

## **PUBLIC COMMENT**

Council Vice President Reed stated that there are thirty two (32) citizens registered to address Council on non-agenda matters. She inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

Council Vice President Reed reminded those registered to speak about the public speaking rules read earlier in the meeting.

**John Hefferon, of Mohnton**, stated that he owns rental properties in the 100 block of South 6<sup>th</sup> Street for 11 years. He stated that there are operational problems with Codes, RAWA, Police and Solid Waste. He stated that this block is located within the Prince Historic District and he described the deplorable condition of properties in the surrounding neighborhoods, also within the Prince Historic District. He described his work to make the Building Trades and Codes inspectors aware that a property that adjoins one of his properties was in a state of near collapse; however, the inspectors disagreed. He stated that eventually the property did collapse and caused significant damage to his property. He stated that drug trafficking and prostitution are prevalent in surrounding neighborhoods along with trash laying in the streets. He also questioned why there are parking meters in the 100 block of South 6<sup>th</sup> Street at this is a residential neighborhood. He suggested that the City also dissolve the Parking Authority and hire additional police officers.

**Adele Wallace, of North 4<sup>th</sup> Street**, stated that she is a City resident who sent her children through the Reading School District. She agreed that people should be provided with municipal IDs so they can pick their children up from school where proper identification is required. She expressed the belief that lack of acceptable IDs an untenable situation that should be resolved.

**Dottie Allyn, of Exeter**, stated that she agrees with the points Make the Road PA identifies about the need for the Municipal ID program. She expressed the belief that this issue affects many individuals.

**Peter Gustis, of West Reading**, stated that he and a partner are in the process of opening a medical marijuana business in the 500 block of North 3<sup>rd</sup> Street in a deteriorated building. He described the benefits to the medical marijuana program and their work to make sure this business will fit in with this neighborhood.

**Adanjesus Marin, of Washington Street**, asked his supporters in the audience to stand up. He asked everyone to take a moment of silence for the victims and family members that were involved in the Orlando Florida incident over the weekend. He stated that he supplied a draft budget and ordinance to the City for the municipal ID program. He expressed the belief that if the City charges \$15 for the municipal ID card the City will generate \$58K annually and if the City charges \$30 (cost of the State ID) the City will generate \$128K annually. He stated that Make the Road PA has been waiting a year for the City to consider this issue.

**Janice Paulino, of Bingaman Street**, was not present.

**Colleen Normiele, of North 3rd Street**, expressed her belief in the proposed municipal ID program. She stated in 2014 14% of people were ineligible for a State issued ID and that 17% of voters do not have access to some form of identification. She described the issues that are created for those who do not have an ID and the additional costs they must pay to do certain things like cash checks.

**Alex Madrigal, of South 5<sup>th</sup> Street**, (with assistance from Mr. Marin as a translator) stated that he is a Reading citizen who has worked within Reading for nine (9) years. He stated that when he moved to Reading many buildings in neighborhoods appeared to be abandoned; however, those conditions are starting to improve. He expressed the belief that the municipal ID program will aid people and the City.

**Maura Reinbrecht, of Washington Street**, stated that she supports the municipal ID program as it will improve the lives of those who cannot obtain ID cards through the normal channels. She stated that she attends college in New York City and she has seen the program work successfully to benefit the disadvantaged.

**Tony Vera, of Washington Street**, stated that he is an intern with Make the Road PA and a college graduate. He noted the disadvantages of not having an ID card and he expressed the belief that all people should have the opportunity to obtain ID cards.

**Rainy Leonore, of Hill Road**, stated that she is an immigrant student and she described the difficulties imposed upon those who cannot obtain IDs through the normal channels. She expressed the belief that undocumented immigrants should be recognized.

**Brad Richardson, of Franklin Street**, stated that the budget Make the Road PA provided to the City shows that this program is a revenue generating opportunity for Reading. He expressed the belief that the program can be run successfully with part-time staff.

**Abraham Cepeda was not present and Bernardo Carbajal spoke in his place.** He stated that he strongly believes in this program. He described his legal work against the Hazelton

ordinance regarding undocumented immigrants. He expressed the belief that the Constitution applies to all people, including undocumented immigrants. He described the problems faced by those who cannot obtain an ID.

**Alexis Cardenas, of South 5<sup>th</sup> Street**, stated that he is a university professor here to make a film about how people make sense of their lives with and without IDs and why this program is important.

**Mike Szajna, of Exeter**, stated that he is a school bus driver who sometimes fills on at the routes of other drivers and he described the problems that occur when someone picking up a child cannot provide proper ID. He stated that the problems involved affect many parties.

**Carmen Molina, of North 5<sup>th</sup> Street**, (with assistance from Mr. Marin as a translator) described the difficulties endured by those who cannot obtain an ID card.

**Amanda Mogro, of North 9<sup>th</sup> Street**, (with assistance from Mr. Marin as a translator) asked Council to approve the program so all have access to ID cards and the services and programs those with IDs can obtain. She noted that undocumented immigrants are not bad people here to do bad things.

**Juan Oleas, of South 5<sup>th</sup> Street**, stated that he supports the program. He stated that he at one time was an immigrant who obtained citizenship. He stressed the importance of taking that life changing step. He stated that the ID program will benefit all.

**Adriana Silva, of Penn Street**, stated that he supports the municipal ID program so everyone can be counted and supported. He described the difficulties experienced by those without IDs. He expressed the belief that offering IDs to undocumented immigrants will get everyone out of the shadows.

**Calixto Fernandez, of Penn Street**, (with assistance from Mr. Marin as a translator) stated that he supports the program as it will allow all to participate and get people out of the shadows.

**Evelyn Nieves, of North 6<sup>th</sup> Street**, was not present.

**Dionicia Zarato , of Penn Street**, was not present.

**Sue Jahaira Rodriguez, of Spring Township**, was not present.

**Luna Alma, of Buttonwood Street**, was not present.

**Naicisa Molina, of Muhlenberg Township**, was not present

**Marvin Hernandez, of North 3<sup>rd</sup> Street**, expressed the belief that the municipal ID program will provide significant changes for those who cannot obtain an ID under the current system.

**Claudia Sanchez, of South 5<sup>th</sup> Street**, suggested that Reading, like other important cities, adopt the municipal ID program as having an ID will provide benefits to people who need them. She expressed the belief that having the program will attract more people to Reading.

**Mike Shoumlisky, of Butler Street**, stated that at the last meeting Council voted unanimously in support of Senate Bill 414 that focuses on changing the defined benefit pension program for police and fire fighters which will damage the integrity of both departments and cause massive retirements. He noted that police and fire fighters are not eligible for Social Security benefits and therefore do not pay into the program. He stated that the creation of a defined contribution program for police and fire will require the creation of two (2) new pension boards which will require new employees, actuaries and legal counsel. He stated that Reading's fire pension is one of the best funded programs in the State. He stated that \$6B of the unfunded pension problem in Pennsylvania is the fault of Philadelphia. He noted that under the current system the employee contribution and the State contribution reduce the City's obligations. He noted that the strain of being a police officer and fire fighter creates scars physically and emotionally and he suggested that police and fire fighters not be treated as liabilities.

**Janice Paulino, no address listed on the sign in sheet**, was not present

**Wanda Negron, of Lackawanna Street**, was not present.

**Evelyn Morrison, of Church Street**, asked to be recognized as she also registered to address a non-agenda topic. Council did not object.

Ms. Morrison suggested that the municipal ID program could bring stability and reform. She noted that the program would also help those who have been incarcerated and those who choose to find work. She stated that churches support the program.

## **ADMINISTRATIVE REPORT**

The mayor stated that the municipal ID program is being considered; however, the program and materials provided require additional vetting. He stated that the ordinance provided contains many errors and issues that may be a violation of Federal and State regulations. He also stated that the terms may be a violation of the oath of office taken by the mayor, Council and some appointed officials as the oath pertains to upholding the laws of the local government, State and Federal governments. He expressed the belief that laws should apply to all citizens, not some.

Mr. Marin asked his supporters in the audience to join him by walking out of the meeting.

The mayor stated that the City will consider adopting the program after all aspects of the program and the ordinance are thoroughly researched. He noted that City laws cannot violate State and Federal regulations. He expressed the belief that walking out of a meeting when you hear something contrary is not good democratic expression. He suggested that City Council should not pass the legislation and allow those who want the program to test the issue through the referendum process (Note: under the Charter citizens would use the Initiative process to propose the program to the electorate).

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- 1996-2016 Unemployment Compensation
- 2012-16 Real Estate Transfer Tax

## **REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

Council Vice President Reed stated that the 2015 annual fire report was distributed to Council and she inquired if Chief Stoudt wished to make a presentation. Chief Stoudt stated that the report speaks for itself.

## **ORDINANCES FOR FINAL PASSAGE**

### **Pending additional information required**

**Bill No. 17-2016** – authorizing Berks EIT, as the City's tax collector, to engage one or more third-party collection agencies to pursue and collect delinquent Tax and apply a fee for the use of a third-party collection agency provided that the fee does not exceed twenty-five percent (25%) of the amount of Tax collected from any such Taxpayer ***Introduced at the April 25 regular meeting; Tabled at the May 9 and May 23 regular meetings***

**Bill No. 2016** – creating the Reading Regional Water Authority ***Introduced at the May 23 regular meeting***

**A. Bill No. 20-2016** – setting the salary of the Police Chief at \$105,000 ***Introduced at the May 23 regular meeting***

The mayor stated that when he discussed salary with the Chief, Mr. Dominguez told him that taking the job is not about the money and that he wishes to take the job to make a positive contribution.

**Councilor Daubert moved, seconded by Councilor Slifko, to enact Bill No. 20-2016.**

**Bill No. 20-2016 was enacted by the following vote:**

**Yeas: Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5**  
**Nays: None - 0**

**B. Bill No. 21-2016** – amending the 2016 Position Ordinance and the 2016 Annual Operating Budget to add the position of Deputy Chief under Police Administration and setting the salary for the Deputy Chief at the amount received by a Captain ***Introduced at the May 23 regular meeting***

The mayor explained the need for a Deputy Police Chief who can fill in and/or be in the line of succession for the Chief position should it become open. He stated that although he had someone in mind for the position, he agreed with the Chief's request to select the person to fill this new position.

Councilor Goodman-Hinnershitz expressed the belief that creating the position is a logical fit within the Police Department.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to enact Bill No. 21-2016.**

**Bill No. 21-2016 was tabled by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5**  
**Nays: None - 0**

Councilor Goodman-Hinnershitz read the pending ordinances into the record.

## **INTRODUCTION OF NEW ORDINANCES**

No ordinances were introduced at this meeting.

## **RESOLUTIONS**

**A. Resolution 51-2016** – appointing Chris Kern to the Environmental Advisory Council

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to adopt Resolution No. 51-2016.**

Councilors Goodman-Hinnershitz and Slifko noted the skills and environmental qualifications this candidate will bring to the EAC.

**Resolution No. 51-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5**

**Nays: None - 0**

**B. Resolution 52-2016** – appointing Bill Murray to fill the unexpired term of Gery Fisher on the Water Authority

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to adopt Resolution No. 52-2016.**

The mayor noted the skills and experience with the operations of other water systems this candidate will bring to RAWA.

**Resolution No. 52-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Reed, Slifko, Twyman - 5**

**Nays: None - 0**

## **COUNCIL COMMENT**

Councilor Daubert described the positive experience he had at the Islamic Center ceremony last night.

Councilor Twyman thanked those attending the meeting tonight. He noted the importance of public participation in government. He noted his disappointment when the citizens left the meeting without considering all sides of the discussion.

Councilor Goodman-Hinnershitz stated that she appreciates all the comments made on the proposed municipal ID program but she questioned Make the Road PA's leadership when they asked the supporters to walk away from the meeting when contrary points were made. She described the District 2 events over the past few weeks.

Councilor Daubert, regarding the proposed municipal ID program, stated that all proposed legislation goes through a vetting process which allows people to become educated on the issue and make adjustments to the legislation so it fits well within our government structure. He stated that the mayor's comments represent that vetting process.

Councilor Slifko agreed that while Make the Road PA presented the issue, the issue has not been properly vetted like other proposed legislation. He noted the large number of errors and inconsistencies within the draft ordinance prepared by Make the Road PA. He expressed the belief that walking out during the democratic process to work through the imperfections in the ordinance is improper.

Councilor Reed noted the City's work on water related issues over the past several years. She noted her disappointment that Make the Road PA walked out of the meeting before listening to all sides of the issue. She noted the importance of everyone listening to each other and

considering all points of view. She noted the upcoming vigil planned in response to the fatal incident in Orlando early Sunday morning.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to adjourn the regular meeting of Council.**

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