



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
April 23, 2007
5:00 P.M.
Council Office

COUNCIL MEMBERS PRESENT:

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

OTHERS IN ATTENDANCE:

L. Churchill, C. Kanezo, C. Younger, L. Kelleher, C. Jones, T. McMahon, J. Schwank, K. Mooney

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 5:00p.m.

I. Earl Trust Dissolution

Mr. Mooney provided an overview of the City involvement with Bernhart's Park specifically and the Earl Trust in general. The proposed disposition of property upon the dissolving of the trust is based on arrangements made between the City, County and the Berks County Conservancy. Mr. Mooney explained the Conservancy became involved with the trust during the previous administration, when former Mayor Eppiheimer approached Jerry Johnson, who was serving as interim Conservancy Director. The Conservancy recommended a division of the property based on individual interest and locations of like property.

Mr. Mooney stated the agreed upon division is possible because of the loose manner in which the Earl Trust was created, the trust being created by the courts interpretation of certain documents. Mr. Fuhs asked why Berhart's park was being returned to the City. Mr. Mooney stated the terms of the agreement require the City to take the park back. Mr. Younger observed that the City could always petition the Court to award Bernhart's to another entity.

Mayor McMahon informed Council that the Administration and the County have been working on a fair division of the properties for some time. Mr. Spencer asked if the

Administration was prepared to estimate the annual maintenance costs the City will assume after the property transfers. Mr. Jones was reluctant to give an estimate, as many of the properties would require little if any physical maintenance. Mr. Mooney commented that Wachovia Bank, acting on behalf of the trust, served as a solid steward of the property.

Commissioner Judy Schwank agreed a number of issues need to be resolved before the trust can be dissolved. The County is willing to work with the City in resolving each issue. Commissioner Schwank admitted that the final disposition of Bernhart's Park was likely the most contentious; however, Commissioner Schwank assured members of Council that Bernhart's would not become the sole responsibility of the City. Mr. Waltman asked if the County was prepared to accept the wholesale transfer of the property.

Mr. Mooney suggested that refusing or accepting the property was not an appropriate action at the present time. In either event, the Courts would be petitioned and responsible for making the final determination. Mr. Fuhs asked for the present value of the trust. Commissioner Schwank reported the following figures:

<u>Total Value of the Trust</u>	<u>\$468,000.00</u>
--Wachovia Trust Fee:	\$75,000.00
--Legal Fees:	\$3,000.00
--Outstanding Conservancy	
<u>Mortgage:</u>	<u>\$250,000.00</u>
Total Amount Remaining	
(Proposed to be split 50/50):	\$140,000.00

Mr. Waltman asked which entity would be responsible for maintaining the assorted properties. Mr. Jones indicated maintenance would be the responsibility of the respective owners. Mr. Waltman objected to Council approving the acceptance of any property without the formation of a long term open space utilization plan. Ms. Goodman-Hinnershitz agreed that the City should plan for the management of any future property.

Mr. Jones doubted that much, if any, of the property could be successfully adapted into park land. Mr. Jones explained that with the exception of Bernhart's, most of the property is heavily wooded, located on steep slopes or a combination of the two. Mayor McMahon suggested a review of the City Park and Recreation Plan to determine how best to accommodate any of the usable parcels. Mr. Kanezo remarked that the plan is due for a decennial review, so the timing is appropriate.

Commissioner Schwank urged the City and County to cooperate, referencing the many benefits of intergovernmental cooperation. Council and Mayor McMahon thanked Commissioner Schwank for attending the meeting. Mr. Spencer stated more discussion with regard to Bernhart's would be necessary before any action by Council could be taken.

II. Review of Solid Waste Ordinance

Mr. Churchill again provided a brief review of the substantive changes to the existing ordinance. The proposed changes would allow municipal contractor (BFI) to collect trash left out and not collected by other haulers; BFI would document the missed collection, collect the trash and bill the property owner for the collection. The proposed changes empower the City to get a handle on property owners who do not have a hauler. One of the

most important revisions to the ordinance would allow the City to assign repeat offenders to the City program. Mayor McMahon admitted the ordinance has many points that should be discussed in greater detail; accordingly, the ordinance should be tabled, pending further discussion between the Administration and the Council.

Mr. Spencer agreed with the Mayor and asked if any members of Council objected to tabling the ordinance pending further discussion. Mr. Sterner objected to continuously delaying the ordinance, but would agree to hold passage for another meeting or two. Mr. Fuhs agreed with the sentiments expressed by Mr. Sterner. Council agreed to review the ordinance in greater detail; Mr. Waltman and Mayor McMahon also agreed to provide their specific objections in advance of the next Committee of the Whole.

III. Sale of East Reading Pool

Mr. Jones reported that the Association has rejected the proposed agreement; therefore, the Administration will respectfully request Council to remove the agreement from the agenda. Mr. Jones explained the Association members were unable to reconcile themselves with the fact that their members would not receive preference over other citizens. Mr. Churchill stated that the City holds no ill will towards the Association and will repeat the same offer in the future, should the Association no longer be able to support operations.

Ms. Goodman-Hinnershitz thanked the Administration for doggedly pursuing the matter, even when it became clear the Association was seeking different objectives. Ms. Goodman-Hinnershitz hoped the issue would be revisited in the future.

IV. Agenda Review

Council agreed to hold taking action on any of the housing related ordinances. It was agreed that action would be taken only after sub-committee meetings occurred and consensus was reached. Ms. Goodman-Hinnershitz asked where the rest of the Council stood with regard to the Auditor and Mayor salary increases. Mr. Fuhs urged Council to adopt Auditor Ordinance B, which would increase the salary \$1,500.00, per year, for four years. Mr. Waltman objected to all of the proposals as a matter of principle, but would support the more economical proposal of a one time \$1,500.00 payment.

Mr. Sterner thought the salary should be increased by one lump sum at the expiration of the offices term. After some discussion of the pros and cons of raising the salary of elected officials and an overview of the compound costs incurred by each of the proposed increases, the majority of Council agreed to support Ordinance B.

Respectfully Submitted

By: _____
Linda A. Kelleher, City Clerk