

**CHAMBER OF BOROUGH COUNCIL
Shoemakersville Borough**

May 3, 2022

President Kline called the monthly meeting of the Shoemakersville Borough Council to order in the Shoemakersville Borough Office, 846 Main St. Shoemakersville, PA at 7:01 p.m.

In attendance: Chris Kline – President, Amy Botwright – Vice President, Michael Grim, Tara Kennedy-Kline, Dana Randazzo, Dana Smith, Joseph Wertz, Jr., Dustin Remp – Mayor, Ed Overberger – Engineer – leaves at 7:51 p.m., Keith Mooney – Solicitor, Paul Gruber – Manager, Chad Zimmerman – Zoning/Public Works – arrived at 7:13 p.m., and Melissa Wagner – Secretary/Treasurer.

Solicitor’s Report – Solicitor Mooney

- **Sheetz Letter of Credit:** Waiting to hear back from Sheetz. Solicitor Mooney recommends the borough obtain copies of the as-built drawings from Sheetz, and perform a final inspection of the project before releasing the letter of credit. Although Sheetz is beyond the 18-month maintenance period, they should still be required to replace anything as a result of neglect, before the bond is released.
- **Advertisement for the sale of 115 E. 9th St.:** Council and Solicitor Mooney discuss the ad, with Council deciding to offer the property for sale through public auction. Per Council instruction, Solicitor Mooney will contact Wagner Auctioneering for their availability for a Saturday sale.
- **Parking Ordinance:** Solicitor Mooney will work with Mr. Zimmerman to finalize the ordinance restricting parking on E. Noble Ave.

Engineer’s Report – Mr. Overberger

- **Headworks & Solids Handling Bidding & Construction:** A notice to proceed was issued to Eastern Environmental Contractors, Inc. The contract time will start on May 2, 2022, with substantial completion on November 30, 2022, and final completion on December 30, 2022. A preconstruction meeting has been scheduled for May 5, at the borough office.
- **Paving Projects for 2022:** AMS has returned all paperwork, which has been satisfactorily reviewed by ARRO and the solicitor. The contract base price of \$246,765 does not include the reconstruction of Plum Lane and Canal St. An escalator clause has been applied to the contract.

*A motion is made by Mr. Wertz to accept the AMS bid for the street renovation project, for \$246,765. Seconded by Ms. Kennedy-Kline. Motion carried unanimously.

- **PCB Pollutant Management Plan:** A meeting was held with PTMA on July 29, 2021 regarding the PCB pollutant potential sources. In the annual report, the borough had committed to completing the following tasks by August 9, 2022:
 1. Continue the discussion with PTMA representatives to share the data collected and discuss the next steps for identifying potential sources outside of the borough’s jurisdiction.
 2. Create and issue public outreach documents via newsletter(s) and municipal websites.

3. Conduct site visits and additional sampling at specific properties based on public outreach response.
4. If specific sources of PCBs are identified, work with the site owner to establish a plan to reduce or eliminate that source of PCBs.

If the borough fails to show progress on reducing the overall PCB concentration in the effluent, DEP may impose a limit on this parameter in the next NPDES permit cycle. Council and Mr. Overberger further discuss ways to involve PTMA in the process, and to show DEP that an effort to reduce PCB concentration is being made. Solicitor Mooney recommends that the borough request permission from PTMA to obtain samples in the township and offer to pay for the process.

Mr. Wertz will attend the next PTMA meeting to discuss the matter.

- **H2O and Small Project Grant:** The \$103,062 grant for the pneumatic valve replacement at the water plant expires on June 30, 2023. President Kline and Mr. Overberger discuss NFS ratings and fully replacing the valves vs. just the actuators. **Mr. Overberger will have an ARRO representative research the valves and equipment needed for potable water.**
- **Wellhead Protection Ordinance:** The ordinance is being considered for inclusion into the zoning ordinance. Mr. Wertz and Mr. Gruber will review the ordinance, with Solicitor Mooney noting that the ordinance does not need to be included in the zoning ordinance. The borough may need to work with Perry Township in order to protect wells located in the township.
- **NPDES Permit for the Wastewater Treatment Plant:** The permit expires on December 31, 2022, with the renewal application being due to PADEP by July 1, 2022. ARRO has received all of the testing data and is proceeding with completing the renewal application.

Code Enforcement – Mr. Zimmerman

- **Permits:** One zoning permit was issued in April to enclose a deck. Two building permits were issued; the deck enclosure and for T-Mobile modification at the water tower.
- **Notices:** Last month one notice was sent for having trash out too early and a second for junk/West Nile issues.

Secretary's Report/Correspondence

The borough office will be closed on May 27 & 30.

Mayor's Report – Mayor Remp

Raleigh's is printing the 17 Hometown Heroes banners and the 1 Welcome to Shoemakersville banner.

Mayor Remp thanks Ms. Wagner for her work, as last week was Administrative Professional's Day.

Vice President Botwright reports that a table will be available for Hometown Hero and Neighbor Watch information at Children's Fair.

Mayor Remp continues to have trouble accessing email through his cell phone. President Kline recommends retrieving emails through the web portal.

President Kline and Mayor Remp discuss the borough's NWP information not being accessible on the national website.

Operator's Report - Mr. Dietrich

Mr. Gruber reports that Raser Industries has completed their work.

Manager's Report – Mr. Gruber

Mr. Gruber discusses the quotes received for a new email platform. Vice President Botwright suggests looking into Microsoft Exchange or Zoho for more information on email hosting. **Mr. Gruber will contact Aperion for additional information.**

Mr. Gruber and Council discuss Eagle Disposal's request to change the borough's trash pick-up day from Wednesday to Thursday. Yard waste would still be removed on Wednesday. Andrew Casey from Eagle Disposal is present and notes that their company would be responsible for advertising the day change. Eagle would be able to provide better support for a Thursday pick-up. Strausstown will decide on the date change at their May 10 meeting.

*A motion is made by Ms. Kennedy-Kline to change the trash pick-up day from Wednesday to Thursday beginning on June 2, upon approval by Strausstown for the change as well. Seconded by Mr. Grim. Mr. Smith confirms the day change would be for better service moving forward for the borough. Motion carried unanimously.

Mr. Gruber would like Council to approve the purchase of playground mulch, at a cost not to exceed \$2,500.

*A motion is made by Mr. Wertz to purchase playground mulch at a cost not to exceed \$2,500. Seconded by Ms. Kennedy-Kline. The amount is based off of current material pricing. Motion carried unanimously.

Mr. Gruber discusses the broadband availability survey being conducted by the Berks Co. Commissioners. He would like to share the information so that borough residents may participate in the survey.

Mr. Gruber and Mr. Zimmerman discuss the size of the trailer that was previously requested.

Vice President Botwright and Mr. Zimmerman discuss a broken tree branch in the park's pine tree by the parking lot. **Mr. Zimmerman will assess the branch.**

Property/Streets/Sanitation – Mr. Smith

Council discusses options for an outdoor bulletin board sign at the borough office.

*A motion is made by Ms. Kennedy-Kline to purchase an outdoor bulletin board for a cost not to exceed \$500. Seconded by Mr. Smith. Motion carried by a vote of 6 yes to 1 no, with Mr. Wertz voting no.

Council and Mr. Zimmerman discuss uses for the proposed trailer. Mr. Zimmerman will contact the seller regarding the price.

Sewer – Mr. Wertz

Raser Industries has completed the work on the VLR.

The Shoemakersville Municipal Authority met last week and has the funds prepared to be deposited into the new borough account once it is set up.

Water – President Kline

President Kline and Mr. Gruber discuss the well 1 electric service rework project. A quote for the work will be reviewed at the May workshop.

President Kline discusses the T-Mobile request to replace antenna on the water tower and to add 4 more antenna. He has requested that they submit a sketch of the required work, as braces need to be added to the railing as it is not currently strong enough to support the new antenna.

Parks & Recreation – Ms. Kennedy-Kline

*A motion is made by Vice President Botwright to hire the following pool staff for 2022: Managers: Sherry Ortiz (\$4,500) Ali Haines (\$3,000), Aquatics Supervisor: Amy Botwright (\$1,500), Head lifeguard: Ryan Kemp (\$13/hr.), Lifeguards: Abigail Gracius (\$12/hr.), Ty Jozefick (12/hr.), Hannah Ortiz (\$11/hr.) and Gave coverage: Jonah Jozefick (\$8/hr.). Seconded by Mr. Wertz. Mr. Wertz asks why the aquatics manager salary did not increase from 2021, as all the other pay rates were adjusted. Council discusses the matter.

Mr. Wertz makes a motion to amend the motion to increase the aquatics supervisor's salary to \$2,250. Seconded by Ms. Kennedy-Kline. Motion carried by a vote of 6 yes to 1 abstain, with Vice President Botwright abstaining.

There is no further discussion on the original motion to hire pool staff. Motion carried unanimously.

Vice President Botwright reports that Mr. Gruber is working with the Schuylkill River Trail Steering Committee to hold their upcoming May 10 meeting at the borough office.

Law/Planning/Zoning – Mr. Wertz

Mr. Wertz and Mr. Gruber will meet next week to discuss the wellhead protection ordinance.

Mr. Wertz will forward a revised draft zoning ordinance to Council by the May workshop.

Employee Relations – President Kline – nothing to report

Approvals/Finance/Pension – Vice President Botwright

*A motion is made by Vice President Botwright to approve the minutes for April 19, 2022. Seconded by Mr. Wertz. Ms. Kennedy-Kline would like to amend those minutes to reflect that Susan Moore did not ask for the borough to pay to repair or replace the wall at her property. Seconded by Mr. Wertz. Motion carried unanimously.

*A motion is made by Vice President Botwright to approve the bills payable for May 3, 2022. Seconded by Mr. Wertz. Motion carried unanimously.

Community Outreach – Ms. Randazzo

Ms. Randazzo discusses the community yard sale to be held on May 14 and notes that thus far, 2 people have requested to have a table at the borough office. They will be required to supply their own tables.

Ms. Randazzo will create a map of the borough and a few locations in Perry Township that will be a part of the yard sale.

Ms. Kennedy-Kline briefly discusses a call she received regarding an event involving the Keystone Military Families, that may coincide with the fall community yard sale.

New Business

Public Comment

Richard Geschwindt (603 Reber St.): Mr. Geschwindt asks for the location of the wall mentioned in the amended April 19 meeting minutes. Mr. Wertz states that the wall is located in the 300 block of Park St. and that the borough would not be making any repairs to the wall.

Mr. Geschwindt asks if Council will be obtaining a formal appraisal for the 115 E. 9th St. property, in order to establish a reserve. Mr. Wertz states that a member of council is a real estate agent and will be able to perform calculations. Ms. Kennedy-Kline feels that often times auctioneers perform an appraisal. Mr. Geschwindt feels that a disinterested party would best be able to determine a fair market value for the property, in order to obtain the greatest return for tax payers. Ms. Randazzo discusses the matter. Solicitor Mooney notes that the borough can set a reserve for the property. Borough legal representation will be present at the sale to read the conditions for the sale.

Mr. Geschwindt asks if the drainage issue at the location will be addressed prior to the sale of the property and if not, that the borough would need to disclose the situation. President Kline notes that the borough does not have plans to remedy the issue. The matter is in the roadway and not physically on the property.

Mr. Geschwindt would like Council to readdress the road near his driveway, as the street appears to be having a continued drainage issue.

Mr. Geschwindt asks for the water report, with Ms. Wagner stating that Suburban tested the water on April 6 at the Kwik Shoppe and the sewer plant and that all results met the necessary requirements.

Mr. Geschwindt asks how much the borough receives from T-Mobile each month, with Ms. Wagner responding approximately \$800. President Kline does not believe the contract in place allows for an increase in revenue to the borough if the number of antennae increases, although Mr. Wertz notes that there is an annual escalation clause.

Mark Paine (25 Main St.): States that the electronic speed sign is missing from the location near his home. Mr. Zimmerman notes that the sign was moved to Park St. The signs are periodically moved in order to track data from different areas in town.

Mr. Paine discusses the driver that has started back up with doing wheelies on Main St. Ms. Kennedy-Kline has noticed an increased State Police presence on Main St. and further states that a borough resident has pictures and video of an occurrence. Times when the driver is on Main St. are discussed.

Mr. Paine recommends that the borough speak with Jesse at Kuzan's, for pricing on a trailer.

Dustin Remp (924 Main St.): Apologizes for last month's unprofessional meeting and thanks the borough residents that frequently attend the meetings. He notes that the gang members who spoke for 10 minutes and Seth Breon, who spoke for 8 minutes, told lies. He does not condone Mr. Breon's behavior at the meeting and does not feel that Mr. Breon should be permitted to serve on the zoning hearing board, as he is on probation. Solicitor Mooney states that there is no restriction to not permit this, and that members of that board must only live in the borough and not be a member of council.

Mr. Remp notes that Brian Reno, who had a hit out on his life, of the Pottsville Police Dept., has offered to speak off the record regarding the task force established to study the gang.

Mr. Remp notes of his displeasure that several council members laughed at a picture of him after the last meeting, as well as President Kline's Facebook comments regarding a weak mayor system, were both inappropriate. Mr. Remp and President Kline discuss social media, with President Kline apologizing for his follow-up comments, along with discussing the definition of a weak mayor system.

Borough resident Mr. Heckman thanks Council for giving Mr. Breon the opportunity to express his frustrations at last month's meeting.

Zach Foreman (928 Main St.): Requests that his address be added to the map of the community yard sale participants.

Mr. Foreman and Council discuss a trailer that is parked in the 800 block of Main St. The owner is scheduled to receive a notice that as the trailer is wider than 8', it may not be parked on the roadway.

Susan Moore (335 Pennsylvania Ave.) – did not sign in: She discusses the misunderstanding that took place at a prior meeting and states that she never asked the borough to fix or pay for her wall to be repaired. The gravel and dirt from the alley are piling up on her property and is now level with the wall at certain places. She asks what can be done with the roadway, so that her wall does not incur more structural damage. She believes it was inappropriate for her to be told the manner in which she is to repair her wall. She asks why Park St. is not paved. Ms. Moore and Mr. Gruber discuss their phone conversation and his hesitation in removing anything, as the materials are acting as a berm to prevent the water from going to the wall. She notes that borough staff did shovel and also use a backhoe to remove dirt and gravel from the corner near her wall. President Kline and Ms. Moore discuss the wall and roadway, and the fact that water is being diverted into the middle of the roadway. She requests having the borough engineer look at the wall and the roadway. Mr. Geschwindt notes that the roadway was previously macadam and not stone, and that when the macadam was in place, the water was diverted into the middle of the road and drained away from the property.

Mr. Gruber will contact ARRO to schedule the visit.

Mr. Grim thanks President Kline for his apology to Mayor Remp. Mr. Grim discusses last year's censure of Mayor Remp and distributes information that he has been compiling since after the April 5 meeting, regarding social media comments made by President Kline and Ms. Kennedy-Kline, as well as censure resolutions that he has drafted.

*A motion is made by Mr. Grim to add Resolution 151-2022 and Resolution 152-2022 for public censure to the meeting agenda, by a roll call vote. Solicitor Mooney recommends that each resolution be added separately.

*A motion is made by Mr. Grim to add Resolution 151-2022, for public censure of President Kline, to the agenda, for false and defamatory public comments made on Facebook and at a public meeting, for a roll call vote. Not seconded. Motion dies.

*A motion is made by Mr. Grim to add Resolution 152-2022 for public censure of Ms. Kennedy-Kline to the agenda, for false and defamatory public comments made on Facebook, for a roll call vote. Not seconded. Motion dies.

Vice President Botwright notes that the mayor's censure was related to a public post accusing Council, as a whole, of criminal behavior, which could affect contracts and the financial stability of the borough. Personal comments made between individuals are a different matter.

Solicitor Mooney discusses social media decorum, and states that as long as a council member is not using their official borough title or posting on the borough Facebook page, that they are free to post whatever they choose.

*A motion is made by Mr. Wertz to approve the draft resolution censuring Mr. Grim on social media from April 12. Seconded by Ms. Randazzo. Roll call vote taken, with Ms. Randazzo, Mr. Wertz, and Mr. Smith

voting yes and Ms. Kennedy-Kline, President Kline, and Vice President Botwright voting no. Mr. Grim abstains. Mayor Remp votes no to break the tie. Motion not carried.

Old Business

President Kline reviews the upcoming borough events listed on the agenda.

Executive Session

Council, Mr. Gruber, and Solicitor Mooney recess into executive session at 9:05 p.m. to discuss personnel. Regular session reconvened at 9:32 p.m.

*A motion is made by Mr. Wertz to add restructuring of the water and wastewater operations to the agenda. Seconded by Ms. Kennedy-Kline. Motion carried unanimously.

*A motion is made by Mr. Wertz to eliminate the position of water and wastewater operator and to pay that individual 2 weeks' pay plus any accrued time. Seconded by Vice President Botwright. Motion carried unanimously.

*A motion is made by Mr. Wertz to approve the Miller Environmental contract at a fee of \$3,150/mo. for water plant operations, for a term of 1 year. Seconded by Ms. Kennedy-Kline. Motion carried unanimously.

*A motion is made by Mr. Wertz to approve the ARRO contract for wastewater plant back-up operator for an amount not to exceed \$7,500 annually. Seconded by Ms. Kennedy-Kline. Motion carried unanimously.

*A motion is made by Mr. Wertz to approve the ARRO contract of \$2,400 for wastewater engineering and operations review. Seconded by Ms. Kennedy-Kline. Motion carried unanimously.

A motion is made by Mr. Wertz to adjourn the meeting. Seconded by Vice President Botwright. Motion carried unanimously. Meeting adjourned at 9:35 p.m.

Respectfully Submitted,

Melissa Wagner - Secretary/Treasurer