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Berks & Beyond, B1

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No inmates spent nights while helping at festival

Prisoners working WWII event went back to county jail daily

READING EAGLE

Berks County Prison inmates did not sleep overnight at Reading Regional Airport when they helped at the World War II Weekend for the last 15 years, according to county officials and the Mid-Atlantic Air Museum, which hosts the annual festival.

An article in Thursday's *Reading Eagle* was incorrect on that point, officials said.

Nonviolent inmates were supervised by prison guards when they helped set up fences and tents in the days leading up to the event and when they helped take down fences and tents in the days after the event.

During the event, a group of a dozen inmates worked to empty trash barrels and to pick up trash while they were supervised by a festival volunteer but not by prison staff, officials said.

This arrangement was in place for about 15 years.

In clarifying remarks in Thursday's *Reading Eagle*, Russ Strine, museum president, said in past years inmates were signed out of the prison in the morning Thursdays through Mondays to help at the event and were returned to the prison each night except on Mondays, when they were returned in the afternoon.

The inmates who participate in the program have all been close to completing their sentences, Strine said.

On Thursday, county Commissioner Kevin S. Barnhardt, chairman of the county prison board, told the *Reading Eagle*: "Inmates never slept overnight."

This year during the June 6-8 event inmates will again set up prior to the event and clean up after the event under the supervision of prison staff, said Barnhardt and Strine.

They said inmates will not be used this year for a trash detail during the event because county officials did not want to pay a guard to replace another guard at the prison if one went to the festival to supervise inmates.

County officials also said they did not want inmates to work there under the supervision of only a festival volunteer.

The inmates on trash duty were paired with 12 volunteers from Custom Maintenance Services, Newville, Cumberland County, said Michael Nawa, vice president of operations at the company.

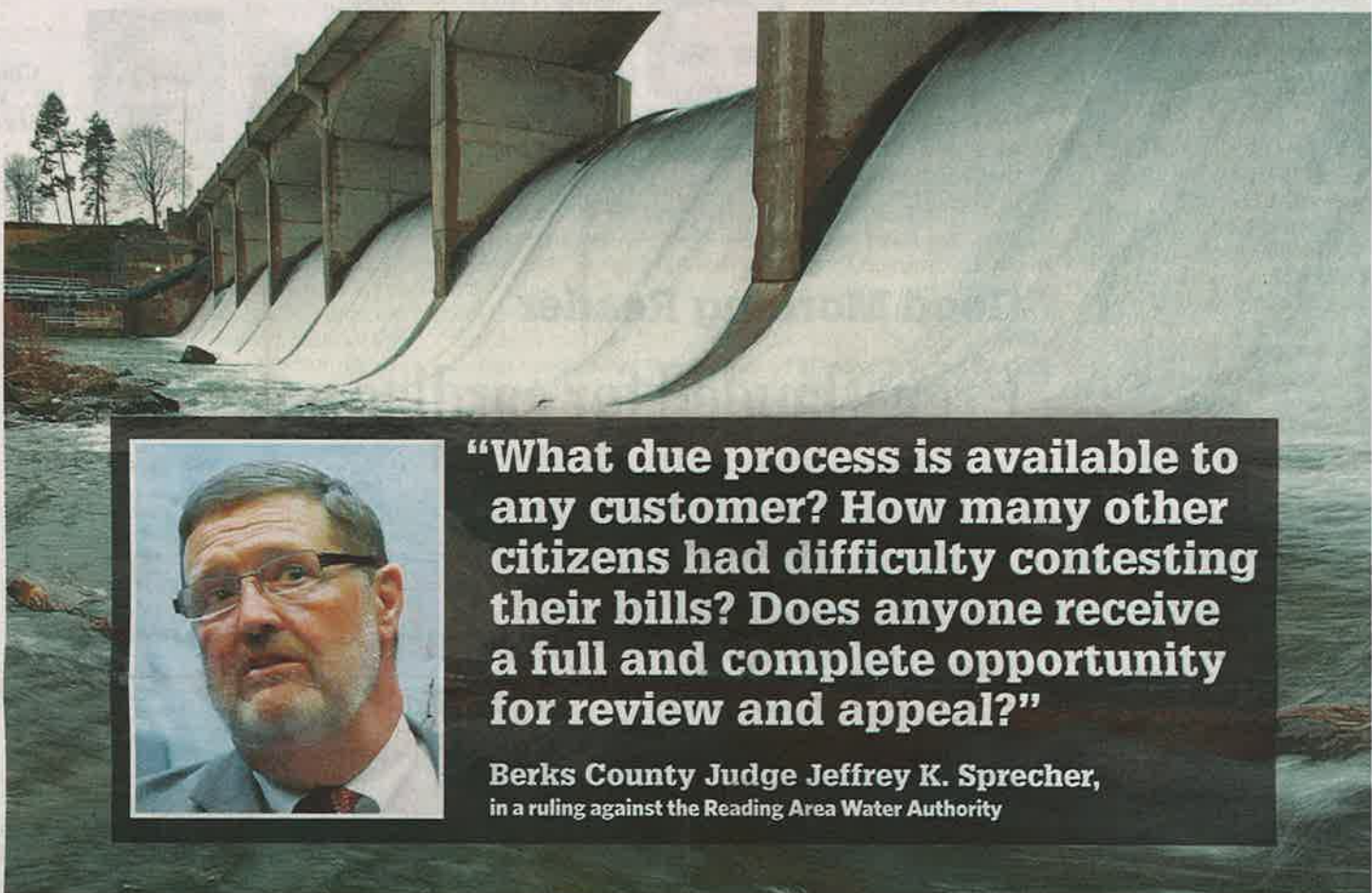
The inmates and the volunteers were matching uniforms so they could be easily identified among crowds at the festival and because inmates often wore clothing that wasn't appropriate for trash duty, he said.

Company volunteers stay overnight at an encampment at the festival to avoid the lengthy commute back to Cumberland County, he said.

Inmates never stayed with the employees overnight, he said.

Abusing its authority

Judge shreds city water agency for inconsistent billing, fees, bullying



"What due process is available to any customer? How many other citizens had difficulty contesting their bills? Does anyone receive a full and complete opportunity for review and appeal?"

Berks County Judge Jeffrey K. Sprecher, in a ruling against the Reading Area Water Authority

The spillway at Lake Ontelaunee.

BY DON SPATZ
READING EAGLE

Berks County Judge Jeffrey K. Sprecher harshly criticized the city and the Reading Area Water Authority Thursday, saying the agency tries to bully customers into paying charges they don't owe.

The judge ruled in a lawsuit that the authority can't understand its own bills, doesn't follow its own rules, and violates the law with its penalties.

Sprecher also ruled that Metropolitan Management Group, the Wyomissing firm that filed the suit, doesn't owe the bill for supposedly using 30 times more water than normal at an apartment complex it manages,

doesn't owe huge penalties for supposed noncompliance on meter replacements, and doesn't owe late fees — all totaling about \$500,000.

Instead, Sprecher said, the city and authority owe Metropolitan \$50,000 in damages, as well as attorneys' fees and costs.

The judge said RAWA has no means for customers to challenge any billing errors, from malfunctioning meters to erroneous noncompliance fees to late fees or usage fees.

And he said calling its customer service number is meaningless, and the penalties it charged and the liens it filed against Metropolitan were more than state law allows.

After spending most of his

opinion's 34 pages castigating the water authority for its lack of due process for customers, Sprecher gave the city and authority 60 days to establish a clear and easily accessible process to quickly handle inquiries and resolve customer complaints.

Metropolitan owner Kevin J. Timochenko was relieved at the verdict.

"RAWA's business practices have been a source of frustration to local property owners for years," he said in a statement. "I hope this case paves the way for others to demand fairer treatment."

City solicitor Charles D. Younger declined to comment on the ruling. Officials from the water authority could not be

reached for comment.

Metropolitan manages six apartment complexes served by RAWA. The dispute began in August 2007 when a meter at the Wyomissing Garden Apartments registered 3 million gallons of water use that month, 30 times normal. The dispute spread from there to other areas.

The bad meter

Metropolitan complained the meter was inaccurate; its plumber said the meter couldn't handle that amount of water, and the complex had no leaks.

But the authority didn't respond to letters or phone calls for months. It just kept sending the high bills.

[See Judge >>> A3]

TODAY

Money

A 4TH FRANCHISE FORAYS INTO THRICE-FAILED SPACE

A successful restaurateur readies to open a Coastal Grille in the Broadcasting Square building that last housed Seafood Shack. A10



Berks & Beyond YOUNG BLACK MEN BEHIND BARS

There are far too many of them, and the issue requires urgent attention, says the state's top prosecutor. B1

Sports WILSON BOYS WIN; EXETER GIRLS FALL

Top-seeded Bulldogs advance to District 3 lacrosse semis, while top-seeded Eagles fall. B1

Judge slams water authority in harsh ruling



Dean A. Miller, Reading Area Water Authority executive director, admitted at trial that there were more than 100 billing errors a month at RAWA. A judge on Thursday ruled against the authority, saying it even fails to follow its own rules.

[From A1 >>>]

At the time, the city's computer system was sending out the water bills, based on RAWA's meter readings. RAWA began mailing its own bills two years ago.

In March 2008, Metropolitan paid to have the meter replaced, and water usage dropped to normal. But it still owed the high bills, and late fees were starting to pile up.

Sprecher said Metropolitan had no way to fight the bill, because RAWA provided no means of appeal.

Unable to get help from RAWA, Metropolitan sued in Berks County Court. At trial in January, Metropolitan director of operations Deborah Houck testified that to use 3

million gallons of water, each of the 52 families on that meter would have had to flush their toilets 1,200 times every day for the month.

But even while the case was in court, RAWA mailed shut-off notices to all 52 families, a move Sprecher said was part of its bullying.

The noncompliant meters

In January 2009, RAWA began charging noncompliance penalties against Metropolitan, because it had not changed out its meters and installed backflow preventers at five of the complexes as RAWA rules require.

The penalties started at 10 percent of the water bill, but grew by an additional

10 percent every month. By November 2011, when Sprecher ordered RAWA to stop, the penalties ranged from 160 percent to 570 percent, although they had begun issuing the penalties at the same time.

But Sprecher said RAWA's rules require it to first inspect the meters to see which ones need changing, and it had not done that. Nor had it ever notified Metropolitan that any meter was noncompliant.

At trial, Executive Director Dean A. Miller also admitted that RAWA never determined any reason the complexes needed backflow preventers.

Although it told Metropolitan it was because the complexes are multi-story units,

Excerpts from the ruling

Berks County Judge Jeffrey K. Sprecher on Thursday lambasted the city and Reading Area Water Authority for their billing practices, or lack of them. Here are excerpts from the 34-page ruling. The "defendants" referred to are the city and authority, and the plaintiff is Metropolitan Management Group.

"This court is troubled by the fact that no one, including the defendants, can understand defendants' bills, late charges and/or penalties."

"At least as early as 2006, defendants were aware that their billing and collection practices likely violated several state statutes."

"A 570 percent penalty fee shocks the conscience of this court."

"This litigation makes it clear that RAWA unfairly uses its unchecked authority and passes resolutions that take full advantage of its absolute power."

"One must muse if this is what is done to a corporation that has the resources to fight the water authority on these issues, what relief is being granted to the 25,000 citizens who pay monthly fees and penalties assessed, like anyone else, but haven't a prayer of fighting a disputed bill because they have neither the resources or the acumen."

"This begs the question, what due process is available to any customer? How many other citizens had difficulty contesting their bills? Does anyone receive a full and complete opportunity for review and appeal?"

"Reference was made (at trial) to how frustrating it is procedurally not being able to have an inquiry heard. It is even more difficult to have a complaint redressed because RAWA is a monopoly which is not receptive, at least in the instances litigated before this court, to the needs of its customers."

"The citizens granted the authority to RAWA to operate as a monopoly and they deserve full and complete protections against government abuse."

"There was no reason to be bullying the customer into paying fees that RAWA could not and cannot prove were due."

"This court can only conclude that in this case, fair procedures were not in place against the arbitrary exercising of power by government officials."

"Neither of the defendants took appropriate action to relieve taxpayers of the continuous billing burdens they were forced to endure."

Sprecher said that requirement is not listed in its rules.

The confusing billing

Metropolitan was hit with late fees for not making payments by the last day of the month. But Sprecher said RAWA didn't follow its own rules there either.

The bills said the date a bill is considered paid is the date the payment is received. But RAWA's rules say the bill is considered paid on the date of the postmark. Metropolitan

said it mailed the payments first class and on time, but it was hit with late fees anyway.

Sometimes, the bill wasn't considered paid until the payment had been loaded into the city's computer system. Metropolitan supplied an example where RAWA cashed a customer's check before the end of the month, yet that customer was charged a late fee.

Still, Sprecher said, customers have no way to know whether their payments made

it to RAWA on time, because that wasn't tracked.

Miller admitted at trial that there were more than 100 billing errors a month.

Sprecher said in his ruling that Susan A. Days, RAWA's chief administrative officer, admitted that often both the authority and its collection agency, Accounts Recovery Bureau, were trying to collect the same debt at the same time.

Contact Don Spatz: 610-371-5027 or dspatz@readingeagle.com.

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