

BOROUGH OF WEST READING – BOROUGH COUNCIL

March 18, 2014 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, March 18, 2014 with the following persons present: Council President James J. Gallen, Jr., Vice President Philip C. Wert; Council Members Grace Craze, Carl Garman, Elizabeth L. Heckler, Deborah Hutcheson, Nathalie R. Kulesa; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Chief Code Enforcement Officer Tracey L. Levering; Public Works Director Dean E. Murray; Elm Street Manager Dean L. Rohrbach; Recreation Coordinator Helen Moyer; Borough Engineer Tom Unger; Administrative Assistant Cathy L. Hoffman.

<u>VISITORS:</u>	James T. Rogers	Resident
	Karen & Jim Livingood	Residents
	Ruth Cardell	Temple
	Bryce Matthews	Resident
	Audrey Schaeffer	Resident
	Oswald Herbert	Resident
	Ron Schweitzer	Resident
	Gregory Braley	Resident
	Chris Lincoln	Resident
	Terry Siggins	Resident
	Mary Kisesewa	RACC student
	Tina Shenk	Property Owner
	Kimberly Jablonski	Resident
	Michael D. Hart	Resident
	Becca Gregg	Reading Eagle

1. **CALL TO ORDER:** Council President James Gallen called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.

Chief Powell presented a commendation to part time Officer Marc Oxenford for his attention to duty and his actions while apprehending a wanted subject. This commendation is of particular note because it was recommended by a fellow officer.

2. **PUBLIC COMMENT:**
Audrey Schaeffer asked what it had cost to refund the snow shoveling fines and Mr. Sichler said it was \$142 in postage.

James T. Rogers asked what the costs for snow removal were so far this year and Mr. Sichler said that the total is \$78,770 - \$31,723 for salt under the contract; \$5,247 emergency salt; \$39,100 for the outside contractor; \$2,700 rental of additional backhoe. Mr. Sichler said this doesn't include overtime and noted that the budgeted amount was \$30,000.

Mayor Rodriguez noted that an application had been submitted to the state for funding in the event that emergency funds become available.

Terry Siggins asked if further consideration has been given to forming a committee to review the operation of the Codes Department. He also asked if the Mayor's Advisory Committee still existed. Mayor Rodriguez noted that it exists but has not met and Mr. Siggins said he would like to be a member of the committee. Mayor Rodriguez said he would ensure that he is notified of the next meeting.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Council meeting minutes of February 18, 2014. **Motion carried.**

4. **UNFINISHED BUSINESS:**

Rental Inspections – Mrs. Levering provided two options for rental inspection procedures:

1. Establish a 2 or 3 year inspection cycle for properties that have only aesthetic violations. Problem properties would be inspected every year.
2. Divide the list of rental properties and perform half of the rental inspections every year.

Much discussion ensued and it was noted that if all 800 rental units are inspected each year, six inspections must be completed every working day. With the second option, only three inspections must be done per day. Mrs. Levering also noted that she has concerns about tracking the inspections under the first option.

Absentee landlords, dilapidated properties, and failure to rectify problems was discussed at length. Mrs. Levering noted that because of the processes that must be followed, it can take months before the District Justice becomes involved. Safety is always of primary importance, and residents always have the option of bringing their concerns directly to the Codes Department.

It was also noted that owner occupied properties can also be a potential hazard, however there are no regulations that pertain to these properties. Interior inspections are only required when the properties are being sold, therefore it could potentially be 30 years before an inspection is completed. Mrs. Levering said that exterior inspections of properties usually provide indicators of problem properties and noted that once the weather gets better, they will be stepping up their exterior property inspections.

Many on Council felt that the first option would solve the issue and help out the responsible property owners, however after further discussion, it was **Moved** by Ms. Craze and seconded by Ms. Hutcheson to choose Option 2.

In favor of the motion: Ms. Hutcheson, Ms. Craze, Mr. Garman, Mr. Wert, Mr. Gallen

Against the motion: Mrs. Kulesa, Mrs. Heckler (Mrs. Kulesa felt strongly that inspections need to be completed every year.)

Motion carried.

Fifth Avenue Sidewalk Project – Mr. Sichler said that as part of this Elm Street sidewalk project, water shut-offs were replaced and when inspected in December it was found that they were not done according to the specifications. He recommended not paying the retainage from the first application which is \$3,255.59, and authorizing payment for \$21,039.83 for items A-11 and Change Order #1.

Moved by Mrs. Kulesa and seconded by Ms. Hutcheson to authorize payment to Reamstown Excavating in the amount of \$21,039.83. **Motion carried.**

Blighted Property Ordinance – Mr. Becker spoke about Act 90 and its use as an enforcement tool with regard to blighted properties. He said that it isn't necessary to adopt an ordinance citing Act 90 however there is an advantage in doing so. Mayor Rodriguez noted that there is also a 'Conservatorship Act' which may be more successful in this regard. He asked that all of Council receive a copy of the Implementation and Best Practices Manual for consideration as a possible tool.

Discussion ensued concerning how best to proceed and it was noted that the Main Street Authority may also have some ability to act in this regard.

Mr. Rohrbach spoke about what he has seen in the Elm Street neighborhoods and recommended that a list of blighted properties be created by the Codes Department. This will assist in contacting the owners when action is needed. Mrs. Levering noted that there are a lot of foreclosed properties in the Borough and it has been difficult to find the owners. She asked Council's permission to create a vacant property registration which would require payment of a fee, and the banks involved would have to provide contact information and designate the persons responsible for maintenance of the property.

Moved by Mr. Wert and seconded by Ms. Hutcheson to instruct the Solicitor to prepare a draft ordinance concerning blighted properties. **Motion carried.**

Standard and Poor's Rating – Mr. Sichler reported that Standard and Poor has been taking an annual look at the Borough's finances since the bond refinancing in 2012 and has recently moved the rating from 'BBB+' to 'A'. Negative points have been identified as a minimal surplus being carried over and that the debt ratio is too high.

5. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker reported concerning the Belovich development by stating that the bank is attempting to get a clear title which will allow them to complete the foreclosure process. They indicate that they are close to getting resolution.

Moved by Mr. Wert and seconded by Mr. Garman to approve the Solicitor's Report. **Motion carried.**

- b. Engineer's Report – Mr. Unger stated that he met with Helen Moyer concerning the possible expansion of the Concession Stand. Preliminary sketches were created and presented to the Recreation Commission. He provided sketches to Council and noted that by adding on and extending the roofline, 50% more space would be available. It was also noted that preliminary costs are estimated at \$80,000 for hard costs and an additional 20% for soft costs.

Mrs. Moyer indicated that if the proposed addition is constructed, the Concession Stand could be made available to groups that already use the Borough's fields and rent could be charged. They would like to break ground in the fall of 2015, so fundraising will soon begin and research into possible grant funds will be done as well, if Council approves.

Mr. Sichler said that the intent in doing this was to determine the cost and set a goal for fundraising. Mrs. Moyer said she would begin planning for the pig roast which will be used as a fundraiser for the construction. Mr. Sichler said that a separate account could be set up to help with tracking the fundraising. Several other fundraising ideas were briefly discussed.

Moved by Ms. Craze and seconded by Mrs. Heckler that Council supports the Recreation Commission's fundraising toward the expansion of the Concession Stand. **Motion carried.**

Moved by Ms. Hutcheson and seconded by Ms. Craze to approve the Engineer's Report. **Motion carried.**

6. **BOROUGH MANAGER'S REPORT:**

- a. Polling Station Agreement – As an agreement was not previously required for the use of the Hall as a polling station, this was a source of discussion. It was also noted that the County is offering to cover some of the expenses associated with the use on election day.

Moved by Mr. Wert and seconded by Mrs. Heckler to approve the Polling Station Agreement. **Motion carried.**

- b. Utility Billing Amendment – Mr. Sichler said that there are more residents waiting until the last minute to pay their water bills and the fees that are currently charged are not sufficient to act as a deterrent. It has been proposed to increase rates for shutting the water on/off and to create a secondary penalty for those who are not paying.

Moved by Mr. Wert and seconded by Ms. Hutcheson to authorize the advertising of the ordinance to increase the fee and penalty. **Motion carried.**

- c. Amendment to Non-Uniform Pension Plan - Mr. Sichler said that as part of the recent contract negotiation with the Teamsters Union, a significant change to the defined benefit plan is being considered for the non-uniform employees. In preparing for this change, an audit was completed for the pension plan and it was determined that there have been changes in the law that need to be addressed in the Pension Ordinance. A copy of the amendments to the plan is detailed in the contract with the Administrator which was distributed to Council.

Moved by Ms. Craze and seconded by Ms. Hutcheson for authorization to amend the plan with the contract to make it compliant with current regulations, which can then be used when they go out to bid. **Motion carried.**

- d. Trail Improvement Grant Application - Mr. Sichler said that Mr. Wert made him aware that the County through PennDOT funding has monies available for Transportation Alternatives Programming. Because passive streetscape projects are not what they are looking for, it was suggested that the walking trail be improved. Mr. Sichler noted that because Little League uses the ball field more often now, the ¼ mile walking track is off-limits to walkers. He suggested that a ¾ mile walking loop could be created if a section was added to the existing Wyomissing Creek Trail. He provided a drawing showing the proposed new trail which would incorporate the existing foot bridge by pool and paved paths in front of the Pavilion, and extend the path toward the Fire Company and over the bridge to connect with the Wyomissing Creek Trail at the corner of Parkview Road and Old Wyomissing Road.

It noted that Mr. Wert wrote the eligibility application and submitted it and the County was very receptive. They have indicated that there is a soft cap of \$200,000 per project and although there is no requirement for matching funds, it would require the Borough to cover the engineering. It was also noted that there would be a two year window in which to complete the project. Mr. Wert said that a detailed application must be submitted by April 4th.

Moved by Mrs. Kulesa and seconded by Ms. Hutcheson to submit the application for the grant. **Motion carried.**

- e. Snow Removal / Snow Emergency Update - This was covered under public comment.
- f. Reading Hospital Construction Update – Mr. Sichler said that they will be blasting beginning on March 19th, and in April the concrete work will begin. It was also noted that the soil that is being removed is being taken to the former Dana site and that a street sweeper has been running as needed.
- g. Reading Hospital Pilot Agreement – Mr. Sichler reported that they have been in negotiation with the Reading Hospital regarding the Pilot Agreement (contribution in lieu of taxes) which expired at the end of last year. He said that the Hospital will be meeting soon and should have an answer to the Borough's proposal.

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve the Borough Manager's Report. **Motion carried.**

7. **MAYOR'S REPORT:**

Mayor Valentin Rodriguez noted the following:

- That his report referred to the Bingaman Street Bridge when it should have said Buttonwood.
- He referred to the application for the Keystone Community Enterprise Zone, which Council had previously approved and noted that it has been submitted. Council was given a copy of the application which includes the participating municipalities. He said he has concerns about the control that West Reading will have and about the management of the project. Mr. Rohrbach noted that if the application is approved, there will be a contract that will indicate a time frame, usually a period of three years.
- The West Reading Community Revitalization Foundation minutes have also been included.

Moved by Mr. Wert and seconded by Mrs. Kulesa to approve the Mayor's Report. **Motion carried.**

8. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering referred to her written report. She mentioned that the vacant property registration that was discussed earlier is usually done by ordinance and said that she would have some sample copies for the next meeting.

Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Code Enforcement Officer's Report. **Motion carried.**

- b. Police Department – Chief Powell noted the following from his report:

- The Department participates in an aggressive driving program bi-annually (state funded) and this year there were some additional funds available for traffic safety enforcement near and around the clover leaf.
- Officer Good is back from her leave so the department is back to full staff. This includes 13 full time sworn employees, 2 part time sworn employees, a sworn Parking Enforcement Officer and a secretary.
- The skateboard ordinance was previously discussed and Mr. Becker was asked to do some research on language for consideration. He asked Council for approval to allow Mr. Becker to draft the ordinance with some of the following language:
 - cite the parent/guardian for second or subsequent offences
 - confiscation of the skateboard, to be returned to a parent/guardian during normal business hours only.
- A scheduling software package is now being used by the department for scheduling and timesheets which will allow them to better track overtime etc.
- As of 3/31 Officer Ryan Phillips will be temporarily assigned as Criminal Investigator to assist with some of the open investigations.
- There are 18 Handicapped Parking Application renewals and one new Handicapped Parking request. The new space was requested on the 200 block of Sycamore Road where there are currently no spaces allocated.

Mr. Wert asked about a space on Tulpehocken Avenue where the person has moved away. Chief Powell said he would look into it.

- Chief Powell would like to make conditional offers of employment to six potential part time employees and then hire three once the physical and psychological testing is complete.

- Chief Powell met with Mr. William Murray (Western Berks Water Authority) to gain his expertise regarding the security cameras. Mr. Murray suggested forming a committee to specifically determine what is to be accomplished. Currently Mayor Rodriguez, Chief Powell, and Mr. Sichler have been working on the project but they would like a representative from Council to work on the project. Mr. Garman was recommended because of his involvement with Crime Watch, and Mr. Garman agreed to participate. Chief Powell also noted that a grant application has been submitted through the Elm Street Project through the Wyomissing Foundation for additional funding.

Mr. Garman noted that on Friday evenings there are cars parked illegally at 7th and Cherry, making it difficult for cars to see traffic when pulling out from Cherry to 7th. Chief Powell said he would look into it.

Moved by Mr. Wert and seconded by Mrs. Heckler to approve the one new handicapped parking space and the 18 renewals. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Ms. Craze to authorize Mr. Becker to create a draft skateboard ordinance. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the Police Department Report. **Motion carried.**

- c. Public Works – Mr. Murray referred to his written report. It was noted that residents who have branches from borough trees can put them in the planting strip for pick-up. As well, broken pieces of curbing (as a result of snow plowing) will also be picked up.

Moved by Mr. Garman and seconded by Mrs. Heckler to approve the Public Works Director's Report. **Motion carried.**

- d. Fire Department – Chief Burkholder referred to his written report. Mr. Garman asked about the lack of volunteers and Chief Burkholder said that during the day there is a problem but nights and weekends are not.

Moved by Mr. Garman and seconded by Mrs. Heckler to approve the Fire Chief's Report. **Motion carried.**

- e. Elm Street – Mr. Rohrbach referred to the Neighborhood Advisory Committee minutes of March 3rd. He noted that they have lots of upcoming events including Earth Day on April 19th. He also noted that Bryce Matthews (who was in attendance) is the chair of the NAC. They continue to look for a replacement to fill the space vacated by Mr. Garman.

Moved by Ms. Craze and seconded by Mr. Wert to approve the Elm Street Manager's Report. **Motion carried.**

9. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Helen Moyer referred to her minutes and indicated that she had a list of summer staff to be approved.

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve the list of summer staff for the 2014 season, as attached to the Recreation minutes. **Motion carried.**

Moved by Mrs. Heckler and seconded by Mr. Wert to approve the Recreation Commission minutes. **Motion carried.**

- b. Shade Tree Commission – Mr. Sichler referred to the March 11th minutes which detail the trees for trimming, removal, planting, and trees that are being watched. It was noted that there is a vacancy on the Commission, and Mr. Ron Schweitzer of Oak Terrace said he would participate.

Moved by Ms. Craze and seconded by Ms. Hutcheson to approve the Shade Tree Commission Report. **Motion carried.**

- c. Traffic & Infrastructure Committees – Mr. Garman asked about the curb replacement on Kent Way as noted in the minutes and Mr. Sichler said that some of that work may be covered by the Elm Street project so they don't know at this point who will be affected. He also noted that those residents will also need to know that a five year street opening moratorium will be imposed once the asphalt work is complete so any of those residents considering replacing their water line or upgrading to gas should do so before the project is complete. Curbing was also discussed and it was also noted that the curbs will only need to be replaced if it is out of alignment. Mr. Rohrbach noted that there are some funds available on an as needed basis per the Elm Street application.

Mr. Sichler also reported concerning the upcoming Buttonwood Bridge project by stating that the project will begin in September and will be a complete closure, so traffic will be rerouted onto the Penn Street Bridge. This will add 500 to 700 cars per hour to Penn Avenue traffic during peak hours. Left turns will also be prohibited on Penn Avenue between 2nd and 4th Avenues which will allow the center/turn lane to become a separate traffic lane that extends up the hill to 5th Avenue. It is also possible that four parking spaces will be removed at the intersections of 4th and 3rd to accommodate turning radii. It was noted that PennDOT will change the timing of the traffic lights to accommodate the increase in traffic and Kim Jablonski suggested that they also consider the timing for the intersections of 5th and Franklin, and 5th and Chestnut. Tractor trailer traffic still remains of concern and discussions will continue with PennDOT in this regard. Mr. Gallen suggested that we involve our State Representative to act on our behalf.

Dean Murray spoke about the addition of streets to their street sweeping program. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to amend the ordinance to permit street sweeping on 7th Avenue, Olive Street and Sunset Road on the first and third Wednesdays of each month. **Motion carried.** Mr. Murray stated that letters will go out to residents giving them 30 days notice that the program will be starting.

Moved by Mrs. Kulesa and seconded by Ms. Hutcheson to approve the Traffic and Infrastructure Committee minutes. **Motion carried.**

- d. Safety Committee – There were no questions concerning the Safety Committee minutes.

Moved by Mr. Wert and seconded by Mrs. Heckler to approve the Safety Committee Report. **Motion carried.**

- e. Economic Development Committee – Ms. Hutcheson referred to the minutes of February 10th and March 10th and noted that although they have only met twice, there is great energy and they have a lot of projects to consider.

Moved by Ms. Hutcheson and seconded by Mr. Garman to approve the Economic Development Committee minutes. **Motion carried.**

- f. Planning Commission – Mr. Wert said that the Commission continues to work with the zoning ordinance amendments. There is only one portion remaining to discuss and then it will be reading for a Public Hearing.

Moved by Mrs. Kulesa and seconded by Ms. Hutcheson to approve the Planning Commission minutes. **Motion carried.**

- g. Western Berks Water Authority – Mr. Gallen recognized Mike Hart member of the WBWA who said he was in attendance to answer any questions that Council may have. There were no questions at this time.

10. **TREASURER'S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve the Revenues with Comparison to Budget Report for the 2 months ending 2/28/2014. **Motion carried.**
- b. **Moved** by Mr. Wert and seconded by Ms. Craze to approve Payment Approval Report for 2/19/2014 – 3/13/2014 and 3/14/2014 – 3/18/2014. **Motion carried.**

11. **PUBLIC COMMENT:**

Terry Siggins asked if the snow removal ordinance is going to be changed and Mr. Gallen said it will be reviewed.

Jim Rogers asked if owners of rental properties pay Business Privilege Tax and Mrs. Levering said that Berks EIT is advised on a regular basis. Mr. Rogers felt that all business conducted in the Borough should pay a Business Privilege Tax, including the Farmers' Market, and anyone else who sells anything from a truck. Mr. Rohrbach said that the Farmers' Market operates under the West Reading Community Revitalization Foundation and has been exempted. Mr. Rogers also spoke about the trucks that are running through the Borough doing work for the hospital and Mr. Sichler said it would be covered through the contractor and the Hospital.

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:27 p.m. to discuss personnel and contract negotiations. When the meeting reconvened at 10:53 p.m., the following actions were taken:

Moved by Mr. Garman and seconded by Mrs. Kulesa to hire Jason Witman as the Parking Enforcement Officer. **Motion carried.**

Moved by Ms. Craze and seconded by Mrs. Heckler to approve the execution of the agreement with M & T Bank for a Police Department credit card. **Motion carried.**

13. **ADJOURNMENT:**

Moved by Mr. Wert and seconded by Mrs. Kulesa to adjourn the meeting at 10:55 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant