

BOROUGH OF WEST READING – BOROUGH COUNCIL

February 17, 2015 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, February 17, 2015 with the following persons present: Council President James J. Gallen, Jr., Vice President Philip C. Wert; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, Grace M. Craze, Carl G. Garman, Christopher C. Lincoln; Mayor Valentin Rodriguez, Jr.; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Recreation Coordinator Helen Moyer; Public Works Director Dean E. Murray; Borough Engineer Tom Unger; Elm Street Manager Dean L. Rohrbach; Main Street Manager Christin Kelley; Administrative Assistant Cathy L. Hoffman. Borough Manager Richard J. Sichler was unable to attend.

VISITORS:	Ruth Cardell	Temple
	James T. Rogers	Resident
	Terry Siggins	Resident
	Andy Moletress	Resident
	Bill Murray	Wyomissing
	Robin Horman	Resident
	Bryce Matthews	Resident
	Suzanne Thompson	Resident
	Oswald Herbert	Resident
	Tina Shenk	Property Owner
	Reporter	Reading Eagle

1. **CALL TO ORDER:** Council President James G. Gallen Jr. called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call. A moment of silence followed to mark the passing of Mr. Sichler's mother.
2. **PUBLIC COMMENT:**
James T. Rogers, asked if it would be possible to have public comment after Executive Session and it was the consensus of Council that it would be changed. He then asked about the standard operating procedures for hiring in the Borough and wondered why the Recreation Coordinator position was being changed to a full time position without advertising for candidates. After some discussion, it was decided that it would be discussed during Executive Session.
3. **APPROVAL OF COUNCIL MINUTES:**
There were 3 errors:
Recreation Commission Report – the deadline for the 5% discount is May 15th for the Pool and June 5th for the Playground.
Unfinished Business – 425 Chestnut Street – should read “once the paperwork is completed”.

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve the minutes of the January 20th meeting, as amended. **Motion carried.**
4. **ORDINANCES / RESOLUTIONS TO BE ADOPTED:**
Ordinance 1041 Tax Rate for 2015 – Moved by Mr. Wert and seconded by Mr. Lincoln to approve Ordinance 1041. **Motion carried.**

5. **UNFINISHED BUSINESS:**

a. Belovich Development – Mr. Becker said that he has had discussions with the attorney for the Bank and noted that they still have not completed the punch list of items to be completed which includes the \$15,000 payment in lieu of the dedication of open space. He reiterated that no street dedication will take place until those outstanding items have been completed, however there still remains funds in escrow to complete the work if the Borough so wishes. Mr. Garman said that a resident from Silk Drive had attended the Crime Watch meeting and asked if Borough police can enforce parking in that development. Chief Powell said they are not able to enforce anything unless it is under a state citation.

b. 135 S. 2nd Avenue – It was noted that the property is abandoned and Mr. Becker is working with the Codes department to gather the necessary documentation as part of the preparation of the administrative warrant. Notification has been sent to the owners however after the 19th the warrant will be requested and once approved, the Borough will be allowed access to the property to assess and secure it.

c. WRCRF Cooperation Agreement – Mr. Wert noted that the CRF has not met as yet to discuss the draft agreement. Mr. Garman indicated that the document that Council received at the last Council meeting is the cooperation agreement that the Cooperation Agreement Committee is submitting to Council for approval so it can be submitted to the CRF at their next meeting (February 19th). Mr. Gallen said he had not seen it because he was not in attendance at the last Council meeting. There was some discussion about the urgency of passing the agreement and CRF Treasurer Andy Molettress indicated that it will soon be necessary to have funding to cover ongoing expenses. Some discussion ensued about the agreement and it was noted that there will not be further amendments as the agreement is non-negotiable. Mr. Wert said that he felt it should be reviewed by the CRF with the possibility of making changes, in the event that something of benefit to both parties be determined after discussion. Mayor Rodriguez noted that the document was presented to the CRF solicitor for input, and that a large amount of the agreement is verbatim from the prior agreement which indicates that a lot of input has been received as part of drafting the current document. After much more discussion, it was decided that Council should vote on the agreement. It was also noted that the agreement is for 2015 only, however if the stipulations in the agreement are not met, Council could decide to withhold funding in 2016. **Moved** by Ms. Craze and seconded by Mr. Garman to approve the proposed Cooperation Agreement and send it to the West Reading Community Revitalization Foundation for review, with an answer to be received at the next Council meeting.

Motion carried. Mr. Gallen wished to abstain from the vote because he had not seen the agreement, however Mr. Becker said that abstentions are only permissible when there is a conflict.

d. Animal Ordinance – Mr. Wert said that the document has been through a legal review and is ready to be advertised. He noted that he had spoken with the Borough Manager of Forest Hills Borough in Allegheny County concerning their animal ordinance, which was the basis for this animal ordinance, and he had indicated that they have had very few incidences as a result of its adoption about two years ago. Mr. Wert also noted that everything that is addressed in the proposed ordinance is currently permitted in the Borough because the current ordinance does not address most issues. There was some discussion concerning the permitting process and about setbacks. **Moved** by Mr. Garman and seconded by Mrs. Kulesa to advertise the Animal Ordinance. **Motion carried.** Terry Siggins, member of the Planning Commission then asked to speak because he had done a lot of research into this subject. He has determined that communities that allow 'farm' animals on residential properties must be ½ acre in size and that it will attract skunks and vermin. Mr. Garman said he had the same issue however it is the setbacks that will prevent most property owners from

having enough space to allow these types of animals. Mr. Siggins also voiced his concern about certain people not building proper structures for these animals, thereby causing a multitude of problems however he was assured that the permitting that would be required would prevent this from happening. It was the consensus of many Council members that by addressing these issues in the proposed ordinance, the Borough is being proactive. It was also noted that landlords may prohibit these animals on their rental properties, just as cats and dogs can be prohibited. The next step will be to advertise the ordinance and hear public comment concerning it at the next Council meeting.

6. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Becker said that anything else he has to report will be covered elsewhere on the agenda or in Executive Session for personnel.
- b. **Engineer/Code Enforcement Report** – Mr. Unger reported the following:
 - The retaining wall project bid has been awarded to Miller Brothers at an amount of \$139,639.00 and the contract is ready for signatures. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to authorize the signing of the contract for the retaining wall project and to send the notice to proceed. **Motion carried.**
 - The Olive Street Pumping Station project bid was awarded to Advance Rehabilitation in the amount of \$73,000 and the contract is ready to be signed. **Moved** by Mrs. Kulesa and seconded by Mr. Lincoln to authorize the signing of the contract for the Olive Street Pumping Station and to send the notice to proceed. **Motion carried.**
 - Requests for Proposals were sent to four engineering companies concerning the Parkview Road Bridge. Proposals will be received until March 10th with a recommendation forthcoming at the next Council meeting. It was noted that some work had been done in the past concerning the status of the bridge and Mr. Unger said that he and Mr. Sichler would be obtaining information from all sources to assist with this process.
 - The Kent Way Water Line Replacement Project punch list has been completed except for the application of topsoil and seed. The contractor, A. H. Moyer, has requested payment of Application #3 which Mr. Unger recommended should be paid. **Moved** by Ms. Craze and seconded by Mr. Lincoln to approve payment of Application #3 to A. H. Moyer in the amount of \$10,985.06. **Motion carried.** (\$2746.27 is being held back pending the successful completion of the seeding.)
 - Concerning the Codes Department, things have slowed down predominately because of the weather. It was also noted that Matt Magovern who is the BCO will be the lead person in the department and Mr. Garman asked if Mr. Magovern could attend the next Council meeting to give everyone the chance to meet him.

Moved by Mr. Garman and seconded by Mrs. Heckler to approve the Engineer's Report and Code Enforcement Report. **Motion carried.**

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

- a. **Employee Handbook** – This was tabled because of Mr. Sichler's absence.
- b. **Street Opening Request** – A request was received from UGI on behalf of a homeowner on Sunset Road to open the street to permit the installation of a new gas service. The moratorium on street openings on Sunset Road will be in place until September 2015 and Mr. Lincoln cited the ordinance which clearly states that street openings will only be permitted in an emergency situation. **Moved** by Mr. Lincoln and seconded by Mrs. Heckler to deny the street opening request. **Motion carried.**

- c. **Armed Forces Day Parade** – Chief Powell spoke on Mr. Sichler's behalf, requesting approval to hold the Armed Forces Day Parade on Saturday, May 16, 2015. **Moved** by Mr. Garman and seconded by Mrs. Kulesa to approve the Armed Forces Day Parade for 2015. **Motion carried.**

8. **MAYOR'S REPORT & WEST READING COMMUNITY REVITALIZATION FOUNDATION:**

Mayor Rodriguez noted the following:

- January 29 – Swearing in for Fire Police
- February 2 – West Reading Community Revitalization Foundation Executive Session
- February 5 – Performed a wedding ceremony
- February 9 – Economic Development meeting was cancelled due to the lack of a quorum. He noted that Ms. Hutcheson was the chair and due to her resignation, this position needs to be filled.
- February 17 – The case for the Wyomissing Area School District realignment was heard and testimony was given. Further information must be submitted within two weeks after which time the Judge will decide the case.
- Codes Department staff meetings are held each Wednesday. Minutes will be provided to Council.

Moved by Ms. Craze and seconded by Mr. Garman to approve the Mayor's Report. **Motion carried.**

9. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Powell spoke about the following:

- Thanks to Tina Shenk and her staff for by placing ribbons on Penn Avenue in support of the Police Department.
- An Executive Session is required for two items.
- The RPF for the camera project is almost ready and should be advertised by the end of February.

Moved by Mr. Garman and seconded by Ms. Craze to approve the Police Department Report. **Motion carried.**

- b. **Public Works** – Mr. Murray had nothing to add to his written report. Ms. Craze thanked him for keeping Council updated concerning the water breaks and Mr. Lincoln asked about obtaining pricing for reupholstering the Council chairs. Mr. Murray responded that the chairs are 15 years old and in need of recovering. Pricing is being obtained from a correctional facility that does the work at no charge – the only cost would be for the purchase of the fabric.

Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Public Works Director's Report. **Motion carried.**

- c. **Fire Department** – Chief Burkholder provided Council with copies of the Fire Department Annual Report which was followed by discussion of the following:
- Given recent concerns by other fire companies about the new County radios, Chief Burkholder stated that as far as he is concerned, his department isn't having any real issues. He added that he will wait to see what the County does in response to the concerns raised.
 - West Reading Elementary Center's Student Council has requested to use the Fire Company for a meeting. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve the Student Council's use of the Fire Company. **Motion carried.**
 - Chief Burkholder requested permission to move ahead with the purchase of the pick-up truck that was previously approved. He noted that although it would be ordered now, delivery will not occur for three months. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve the purchase of the truck. **Motion carried.**
- Moved** by Mr. Garman and seconded by Ms. Craze to approve the Fire Chief's Report. **Motion carried.**
- d. **Elm Street** – Mr. Rohrbach referred to his written report and added the following:
- The Wyomissing Foundation and Colonial Oaks Foundation year end reports have been completed.
 - The 2013 DCED grant requires follow up due to funds remaining in the account for engineering fees.
 - Only two years remain in the Elm Street designation where the Borough has priority in funding, therefore a grant needs to be submitted in 2015 to implement the projects that will be done through the engineering fees that currently exist. The projects are for sidewalk and streetscape improvements for the zero hundred and one hundred blocks of S. 6th Avenue as well as the 400 block of Chestnut Street, between the school and the playground. In order to submit the grant this year, a program assessment must be completed, which has tentatively been scheduled for March 12th.
 - The fifth PARR property has been purchased, thanks to the efforts of Mayor Rodriguez, which was obtained at a very good price. Given that money is lost each time one of these houses is sold, Mr. Rohrbach asked that the Borough waive its fees for items such as dumpster fees and building permit fees. **Moved** by Mrs. Heckler and seconded by Mr. Garman to waive or eliminate Borough fees on PARR projects with the exception of inspection fees (plumbing, electrical, etc.). Mr. Moletress (Treasurer of the WRCRF) noted that the fees for the Grape Street house were \$750 (based on 1.5% of the rehabilitation cost) and eliminating those costs will assist with the project. Mr. Rohrbach reminded everyone that these homes are being refurbished with private funds and it is in the Borough's best interest that they are being kept from the hands of investors. **Motion carried.**
- e. **Main Street** – Christin Kelley, newly hired manager, introduced herself to everyone and spoke about the following:
- Main Street Manager training will be held February 21st and 22nd.
 - Her first official Board meeting has not yet been held.
 - Her report was included in the Council packet which included the December 2014 West Reading Community Revitalization Foundation minutes.
 - A list of street closures for 2015 events was distributed. **Moved** by Ms. Craze and seconded by Mr. Garman to approve the list of street closures for 2015. **Motion carried.**

Moved by Mr. Lincoln and seconded by Mr. Wert to approve the Main Street Manager's Report.
Motion carried.

10. **COMMITTEE/COMMISSION REPORTS:**

a. **Recreation Commission** – Helen Moyer referred to the minutes and noted the following:

- It is possible that a grant to improve the park trail can be obtained. Mrs. Moyer said she will be meeting with DCNR on February 19th to discuss the grant. She distributed a map of the proposed trail. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to authorize Mrs. Moyer to apply for the trail grant. **Motion carried.**
- Mrs. Moyer is preparing a recreation guide that she would like to have printed, which could be given to new residents and available for anyone needing information about recreation programs. She indicated that she already has the funding to have them printed at no cost to the Borough. **Moved** by Mr. Garman and seconded by Ms. Craze to authorize Mrs. Moyer to proceed with the recreation guide with the cost to be covered by donated funds. **Motion carried.**

Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Recreation Commission Report.
Motion carried.

- b. **Planning Commission** – Mr. Wert stated that although the Commission met, there was no quorum and therefore no minutes. He then spoke about the update of the Subdivision and Land Development Ordinance and noted that SDE, Inc. had provided information for two possible ways to proceed, either to update the existing ordinance, or begin with a completely new document. Pricing for both options were provided and Mr. Wert said that the expense will be double the \$4000 that Council had previously approved. He noted that this is an important document and that there is much of the ordinance that needs to be amended. After some discussion, Council asked that a formal recommendation be received from the Planning Commission before a decision is made. He also noted that funds have been allocated annually to allow for zoning updates, so perhaps those funds can be used for the SALDO update.
- c. **Economic Development Committee** – The Committee did not meet.
- d. **Environmental Advisory Committee** – Mr. Wert referred to the minutes, and Mr. Lincoln asked about patrols around the area under the Penn Street Bridge.

Moved by Mr. Garman and seconded by Ms. Craze to approve the Environmental Advisory Committee minutes. **Motion carried.**

11. **TREASURER'S REPORT:**

a. **Revenues with Comparison to Budget:**

Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Revenues with Comparison to Budget Report for the month ending 1/31/2015. **Motion carried.**

b. **Payment Approval Report:**

Mr. Garman had a question concerning line item 01-465-370 and Mr. Murray said that the line item was created to keep track of repairs to the holiday decorations and lighting on the Avenue. It was noted that this is being paid from the general fund however it was suggested that it be noted as such on the report.

Mrs. Kulesa asked if the \$542.80 under line item 01-400-314 was in addition to the \$6000 that Council approved to pursue the possible realignment of the school district. Mayor Rodriguez did not have a copy of the agreement with him but thought that the agreement was for \$6000 plus expenses. It was noted that Council had approved a motion for \$6000 with no provision for expenses. After some discussion, Mayor Rodriguez said he would investigate further.

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve Payment Approval Report for 1/21/2015 - 2/12/2015 and 2/13/2015 – 2/17/2015 except for the payment to Lawrence M. Otter Esquire for \$542.80 (legal research etc.). **Motion carried.**

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:50 p.m. to discuss potential litigation and personnel. When the meeting reconvened at 10:24 p.m., the following actions were taken:

- **Moved** by Mr. Garman and seconded by Ms. Craze to approve the pension payment of the amount set forth by the pension plan actuary for Ed Fabriziani. **Motion carried.**
- **Moved** by Mr. Lincoln and seconded by Mrs. Heckler to authorize the payment of overtime to Mrs. Levering, based on the Department of Labor audit, and to authorize Mr. Gallen and Mr. Sichler to execute the appropriate documents. **Motion carried.**
- **Moved** by Ms. Craze and seconded by Mr. Garman to forward the claim for a sewage back-up at 101 N. Third Avenue to the Borough's insurance company for review. **Motion carried.**

13. **PUBLIC COMMENT:**

James T. Rogers asked if insurance liability documents have been received from the various groups that rent the recreation facilities and Mrs. Moyer said that a meeting has been scheduled with all groups on February 19th.

14. **ADJOURNMENT:**

Moved by Ms. Craze and seconded by Mr. Garman to adjourn the meeting at 10:26 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant