

BOROUGH OF WEST READING – BOROUGH COUNCIL

MAY 22, 2007 – 7:00 P.M.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, May 22, 2007 with following persons present: Council President Stephanie Murray; Council Vice-President Kevin Conrad; Council Member Amy Good-Ashman; Council Member Nathalie Kulesa; Council Member Michael Morrill; Mayor Shane Keller; Borough Manager George Tindall; Borough Solicitor Socrates Georgeadis; Police Chief Edward Fabriziani; Fire Chief Mark Burkholder; Code Enforcement Officer Gerald Trate, Borough Foreman Jim Beane; Recording Secretary Cathy Hoffman.

Visitors:

- Bonnie Lou Batdorf – 384 Oak Terrace
- Kelly Lonaberger – 133 Franklin Street
- Suzy Tranquillo – 438 Oak Terrace
- Traci Marez – 433 Oak Terrace
- Mark Wiebner – 426 Oak Terrace
- Gerald D Evans – 424 Oak Terrace
- Harry D Grill Jr. – 422 Oak Terrace
- David Tranquillo – 428 Oak Terrace
- James T. Rogers – 414 Reading Ave.
- Phil Marez – 433 Oak Terrace
- Becca Keller – 395 Oak Terrace
- Ruth Cardell – 728 Reading Avenue
- Elizabeth Heckler – 460 Chestnut Street
- Robert McCarthy – 334 Penn Avenue
- Donald P. McCarthy – 429 Oak Terrace
- Phil Wert – 214 Olive Street
- Don Haines – 156B West Fulton Street
- Kerry L Korper – 510 Franklin Street
- Chris Reinert – 158 Penn Avenue

Council President Murray called the meeting to order at 7:00 p.m. Reverend Hellemo of Bethany Lutheran Church gave the invocation, which was followed by the Pledge of Allegiance and Roll Call.

Public Comments:

Suzy Tranquillo of 428 Oak Terrace told Council she had concerns about the group home that is being operated at 430 Oak Terrace, which is next to her property. She asked if it was being operated legally, in accordance with Borough ordinances. Socrates Georgeadis stated that the issue was brought to his attention two weeks ago, and that the Borough Manager has addressed the issue by sending two letters to the owner. The first was a letter denying a permit application to operate the home (which can be appealed through the Zoning Hearing Board), and the second letter ordering the use as a family care facility to cease. It was noted that they must have license to operate the facility. Borough Manager George I. Tindall stated that they will now have to go through the zoning application process.

Ms. Tranquillo also noted that there is an elderly woman still living at the property who has dementia but doesn't have a caregiver on site. Mayor Keller stated that he would contact Barbara Kauffman, Director of the Office of Aging and get back to Ms. Tranquillo.

Donald McCarthy of 429 Oak Terrace asked about handicapped parking at the pool and noted that there are staff members who are parking next to the building. Chief Fabriziani responded that there are certain staff members who must park by the building for security reasons and that the area next to the building is restricted to authorized vehicles. It was suggested that if Mr. McCarthy wanted to have the issue discussed further, he should speak to the Traffic Committee.

James Rogers of 414 Reading Avenue asked about the assisted living facility at the Inner Circle. He said he had concerns about staffing and parking. Mr. Georgeadis stated that nothing has been decided, and much remains to be discussed with Council. He added that there is an ongoing court case.

Mr. Rogers also spoke about the catch basin on the 400 block of Court Street that has about a foot of standing water in it. Mr. Tindall explained that according to MS4 regulations, there must be at least 3" of standing water in the catch basin to collect residue.

Keith Zielaskowski, owner of the Inner Circle property responded to Mr. Rogers earlier comments regarding parking by stating that once the property changes over to an assisted living facility, there will be less parking needed than there is currently.

Bonnie Batdorf of 384 Oak Terrace complained about her neighbor who hasn't cut his grass for nine years. Chief Fabrizio explained that the borough cuts the grass for him and bills the resident, who then pays. Gerald Trate responded that the neighbor has again been cited with a deadline of May 25th. It was noted that they are looking at other ways to deal with this situation.

Oswald Herbert of Reading Avenue spoke about the traffic problem at 4th and Reading Avenue where vehicles are not remaining in their lane when turning the corner, which has resulted in parked vehicles being damaged. Mr. Conrad asked Mr. Herbert to attend the next traffic meeting to discuss this issue.

Gerry Evans of 424 Oak Terrace asked about removing the first parking space on Oak Terrace because of traffic issues. Mr. Conrad asked him to bring the request to the next Traffic Committee meeting.

Harry Grill of 420 Oak Terrace spoke about a concrete barrier at the sidewalk on Oak Terrace that has been in existence for 5 or 6 days. Mr. Tindall stated that this came as a result of the replacement of a water line at that property. He said he would follow up with the home owner and contractor who completed the work.

At 7:50 p.m., Council adjourned to Executive Session to discuss personnel issues and possible litigation. The regular Council session resumed at 8:25 p.m. Council Member Amy Good-Ashman was then excused from the remainder of the public meeting due to illness.

Approval of Council Minutes:

On motion duly made by Mrs. Kulesa, seconded by Mr. Conrad and passed, Council approved the Council minutes of April 17th, 2007.

Borough Manager's Report:

Acceptance of Borough Seal - Borough Manager George Tindall read a brief history about the origins of the Borough Seal which was designed in 1941 by Miss Barbara Muhs of 422 Oak Terrace. He stated that 4 flags were created with the Borough seal on them, however only one still remains in existence which has been presented to the Borough for display and safekeeping by Mr. Rea Gerhart who was in attendance and provided more of the history.

Mr. Gerhart stated that he and his wife had grown up in the Borough and in 1975 decided to have alumni reunions for the High School. Since then they have been meeting every three years with the next one scheduled for 2008. Several items were donated to the alumni committee and the seal from the flag was one of them. They decided that it should be given to the Borough instead of being stored at their home.

Mr. Tindall said that he had the seal mounted and framed and obtained Council's permission to hang it in the lobby. He also thanked Mr. Gerhart on behalf of Council for giving the seal back to the community.

Authorization to Hire Seasonal Summer Maintenance – Mr. Tindall stated that he had interviewed two candidates and one was qualified for the position and therefore recommended Eric Fitterling for the position at \$7.50 per hour. **On motion duly made by Mr. Morrill, seconded by Mrs. Kulesa and passed, Council approved the hiring of Eric Fitterling for summer seasonal employment at \$7.50 per hour.**

Replacement of Handicapped Swimming Ramp – Mr. Tindall said that he had authorized the purchase of a new handicapped ramp in order to have it available when the pool opens. He said that the old one was damaged and replacement parts were not available. **On motion duly made by Mrs. Kulesa, seconded by Mr. Conrad and passed, Council approved the purchase of a handicapped ramp for the pool, at a cost of \$2871 plus shipping.**

New Photocopier – Mr. Tindall provided Council with information regarding the replacement of the office photocopier. The best price was \$4995 from Edwards Business Systems (a Borough company) with an annual service agreement fee of \$624. He added that the funds have been budgeted and that the old copier will go to the Borough Garage. **On motion duly made by Mrs. Kulesa, seconded by Mr. Conrad and passed, Council approved the purchase of the photocopier.**

Park Regulation Signs – Mr. Tindall reported that the existing park signs are outdated, missing, or in need of replacement. The proposed signs have two changes – one being the hours that the park is open and secondly that dogs be permitted, but with restrictions. After discussion, Council decided not to permit dogs on park land, and that maximum fines/penalties should be imposed for all offences. **On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the purchase of new park signs, per the changes regarding “no dogs” and “maximum fines”.**

On motion duly made by Mr. Conrad, seconded by Mrs. Kulesa and passed, Council approved the Borough Manager's Report.

Engineer's Report:

Darryl Jenkins referred to the Engineer's Report dated May 17, 2007 and added that Great Valley is working on the review of the zoning ordinance and will try to have recommendations to the Planning Commission for their July meeting. He added that Mr. Georgeadis will review the draft.

Mr. Jenkins stated that they have prepared the preliminary plans for the reconstruction of Franklin St and South Second Avenue and after a meeting with Ken Pick of Berks County Redevelopment, a preliminary bidding schedule has been worked out. **On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council gave authorization to Great Valley Consultants to issue the documents for bid once the construction plans and specifications have been completed.**

Belovich Group Town Homes – Escrow Release No.10 - **On motion duly made by Mr. Morrill, seconded by Mr. Conrad, and passed, Council approved the release of \$10,090. to the Belovich Group.**

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Engineer's Report.

Solicitor's Report:

Mr. Georgeadis stated that Council had approved the Reading Hospital's application for the conditional use for the additional cooling towers. He noted that an oral decision was given on April 19th followed by a written decision which was distributed to Council. He stated that Ms. Good-Ashman had signed the document before she left the meeting, that Mr. Ferenchick is absent and Mr. Conrad is recused. Mr. Georgeadis added that a bill for \$5708. was submitted to the Reading Hospital to reimburse the Borough for stenographer costs, expert fees and legal fees, which was part of the order. **On motion duly made by Mr. Morrill, seconded by Mrs. Kulesa and passed, Council approved the signing of the decision. (Mr. Conrad was recused.)**

Parking on the north side of Chestnut Street – Mr. Georgeadis requested authorization to advertise an ordinance dealing with the regulating of parking on the north side of Chestnut Street in front of the elementary school. He added that this is for a 90 day trial period. **On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the advertising of the ordinance.**

Adoption of 2006 International Property Maintenance Code – Mr. Georgeadis said that the adoption of the 2006 Code would upgrade the current 2003 Uniform Property Maintenance Code currently in effect. **On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the advertising of the ordinance.**

Realty Transfer Tax Ordinance – Mr. Georgeadis stated that this would amend the ordinance that imposes a transfer tax on transfers of real estate in Pennsylvania. The state is now requiring uniform ordinances from all municipalities, therefore Mr. Georgeadis drafted a new ordinance that changes nothing as far as rates are concerned, but conforms the Borough's ordinance to Department of Revenue standards. **On motion duly made by Mrs. Kulesa, seconded by Mr. Morrill and passed, Council approved the advertising of the ordinance.**

Mr. Georgeadis stated that during the executive session, the Inner Circle situation was discussed and Council asked him to prepare a motion as follows: To permit the occupancy by Morris-Pace Assisted Living Inc. of the property located at 416 Reading Avenue, West Reading, in accordance with Judge Schmehl's court order dated August 28, 2006. **On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the motion with a 3-1 vote: Mrs. Kulesa – No; Mr. Morrill – Yes; Mr. Conrad – Yes; Mrs. Murray – Yes.**

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Solicitor's report.

Committee/Commission Reports:

Traffic Committee – Mr. Conrad referred to the minutes from April 18th and May 16th and added that Chief Fabrizio would present items from the May 16th meeting.

Chief Fabrizio stated that there were two requests for handicapped parking spaces. The first is from Roy Feyl, 400 Pine Street, for a space located on the south side of Pine Street east of the alley behind Ann Street. The second request is from Belinda McAllister of the 300 block of Spruce Street. The request is for a space for the south side of Spruce Street near the intersection of Fourth. **On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the advertising of the two handicapped parking space requests.**

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Traffic Committee reports of April and May.

Infrastructure Committee – Mr. Conrad reported that during the May 16th meeting, sewer projects for the year were discussed. He said they are in the process of preparing a list of areas that are in most urgent need. They expect to have everything together for the June meeting.

On motion duly made by Mr. Morrill, seconded by Mrs. Kulesa and passed, Council approved the Infrastructure Committee minutes of May 16, 2007.

Planning Commission – Mr. Tindall reported that at the May 2nd meeting, discussion revolved predominately around the former Penn View site. The Commission reviewed a letter from the Fire Marshall and the Fire Chief that was directed to the Engineer and Designer for the proposed plans at that site. The Commission did determine that a sidewalk would be necessary along the boundary of the property and that this is recommended to Council.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the recommendation of the Planning Commission that sidewalks will be required along the former Penn View site, as required by SALDO.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Planning Commission minutes of May 2, 2007.

Personnel Committee – Mr. Tindall indicated there was a list of recommendations to be considered from the Personnel Committee:

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the hiring of Cathy Hoffman as the Codes Department Secretary, which is a lateral move.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the hiring of Stephanie Burkholder as Secretary II.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved retroactively the advertising of the part-time Police Secretary position.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the Personnel Committee minutes of May 10th.

Recreation Commission - Mrs. Kulesa told Council that she had two items that required Council's approval:

On motion duly made by Mrs. Kulesa, seconded by Mr. Conrad and passed, Council accepted the resignations of Kurt Bertges, Jason Ganster and Tricia Ganster from the Recreation Commission.

On motion duly made by Mrs. Kulesa, seconded by Mr. Conrad and passed, Council accepted the recommendation to allow parents to participate as volunteers for the Playground program but may be required to submit to criminal background and child clearances.

Mrs. Kulesa stated that the Recreation Commission is requesting that borough council return to the pool improvement fund the \$5000 that was relinquished at budget time. Mr. Tindall indicated that those funds are available due to a \$27,000 savings in the health care fund.

On motion duly made by Mr. Conrad seconded by Mr. Morrill and passed, Council approved the returning of the \$5000 to the pool improvement fund.

Mrs. Kulesa asked permission to purchase kitchen cabinets for the Bi-Centennial House. Mr. Tindall said that repairs are immediately required to the pool lighting system which had not been budgeted and suggested that the Bi-Centennial House could wait until winter. Mr. Tindall said that he would get pricing for the lighting repair.

Mrs. Kulesa asked that a Moonlight Swim be held on August 11, 2007 with a rain date of August 25, 2007 to benefit Kim Manning's children. All monies that will be collected at the Moonlight Swim will be given to Kim's parents for her children. **On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Moonlight Swim.**

On motion duly made by Mrs. Kulesa, seconded by Mr. Morrill and passed, Council approved the hiring of all recreation employees per the list provided to Council.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Recreation Commission minutes of May 1st.

Safety Committee

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Safety Committee minutes of May 11th.

Police Chief's Report:

Chief Fabrizio told Council that both new police vehicles will be ready to go into service by the 3rd week of June.

Regarding recent graffiti incidents in the borough, Chief Fabrizio stated that 4 juveniles had been taken into custody, admitted their guilt, and charges were filed.

Regarding Mr. Morrill's previous request for incident statistics, Chief Fabrizio provided Council with a document detailing these stats and provided a verbal review of the document.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Police Chief's Report.

Mayor's Report:

Mayor Keller told Council that the Borough has been asked to participate in the July 4th parade in Wyomissing Borough. He stated that they have obtained a trailer for a float and added that members of the Centennial Committee and Recreation Commission will be working on it at the fire company each Wednesday at 7 pm beginning May 30th.

Mayor Keller said that the Farmer's Market has been slated to open on Sunday, June 3rd and requested Council's approval to hold the market. The Borough will also have to accept liability for the change in traffic patterns on Penn Avenue during the Market hours per PennDot requirements. **On motion duly made by Mr. Morrill, seconded by Mrs. Kulesa and passed, Council approved the opening of the Farmer's Market on June 3rd and assumes the liability for the change in traffic pattern.**

On motion duly made by Mr. Conrad, seconded by Mrs. Kulesa and passed, Council approved the Mayor's Report.

Borough Foreman's Report:

Mr. Beane reminded Council that the April report had to be revised, and therefore needed to be approved.
On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the April Borough Foreman's Report as amended.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the purchase of white and yellow traffic line paint.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the purchase of an air handling unit for the old portion of Borough Hall along with installation of return air ducts in 2 offices, in the amount of \$4289.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Borough Foreman's Report.

Main Street Executive Director's Report:

Although Mr. Loth was not in attendance to present a report, Mr. Tindall referred to the written report that Mr. Loth had submitted. There was some discussion about the planters that have been placed throughout the Elm Street district. It was noted that when the planters were placed, the residents were supposed to be responsible for the maintenance and care of the planters and it was not to become a problem for the Public Works Department. It was stated that the planters may have to be removed if the situation doesn't improve.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the Main Street Executive Director's Report.

Elm Street Report:

As there was no one in attendance to review the report, it was Council's decision to table it until the next Council meeting.

Code Compliance Officer's Report:

Mr. Trate asked Council if they had any questions about his report, then thanked them for bringing his department up to full staff.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the Code Compliance Officer's Report.

Fire Chief's Report:

Chief Burkholder noted that Council had received his written report just prior to the meeting. He noted that there was a problem with the aerial apparatus which will require the vehicle to be taken to New Jersey for repair which will probably cost about \$2500, based on previous repairs.

On motion duly made by Mr. Conrad, seconded by Mrs. Kulesa and passed, Council approved the Fire Chief's Report.

Revenues with Comparison to Budget – Ending 4/30/07:

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Revenues Report for the period ending 4/30/07.

Payment Approval Report by G/L No. – Paid Invoice Report 4/18/07 to 5/21/07:

Mr. Conrad asked why the Borough was paying Arro Consulting for work on the Parkview Bridge reconstruction. Mr. Tindall said it was for the final specs that went to PennDot, which will be reimbursed by the County. Mr. Conrad felt that this indicated that the Borough was taking responsibility for the bridge (by the Fire Company). Mr. Tindall indicated that the Borough has never agreed to take responsibility for the bridge.

Some history was provided as to why it was Arro instead of GVC doing the work. Mr. Georgeadis added that this has been going on for many years and recommended that the bill be paid with the stipulation that the Borough acknowledges that the work was done by Arro and will reimburse Arro for their work, but it is the Borough's position that it does not own the bridge or have any responsibility to maintain the bridge.

After some further discussion on the bridge issue, Mr. Georgeadis noted that the ownership issue is still unresolved, and that title and other searches have been done and nothing has been found to suggest that the Borough owns the bridge.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the Paid Invoice Report for 4/18/07 to 5/21/07 with the stipulation that the payment to Arro Consultants doesn't infer ownership, as noted above.

Adjournment:

As a final note, Mrs. Kulesa thanked Jim Beane and his staff for working so hard to get the pool house ready for the pool opening.

On motion duly made by Mr. Conrad, seconded by Mrs. Kulesa and passed, Council adjourned the meeting at 9:40 p.m.

Respectfully submitted,

Cathy Hoffman
Recording Secretary

Approved by George I. Tindall
Borough Manager/Secretary