

BOROUGH OF WEST READING – BOROUGH COUNCIL

APRIL 18, 2006 – 7:00 P.M.

West Reading Borough Council held its regular monthly meeting at Borough Hall on the above date. Council President Stephanie J. Murray called the meeting to order with the following persons present: Council Members Kevin M. Conrad, Michael P. Ferenchick, Shane J. Keller, Nathalie R. Kulesa, and Michael W. Morrill; Mayor Kevin S. Barnhardt, Solicitor Socrates J. Georgeadis, Police Chief Edward C. Fabriziani, Fire Chief Mark D. Burkholder, Code Compliance Officer Jason S. Ganster, Borough Foreman James A. Beane, and Administrative Assistant Rosalie A. Loeper.

VISITORS: Ken Pick - County of Berks
Ruth Cardell - 728 Reading Ave
Sheila Scott - 322 Chestnut St
Elizabeth Heckler - 460 Chestnut St
Sandra Messner - 325 Kline St
William Damore - 325 Kline St
Oswald Herbert - 314 Reading Ave
Carl Schwarz - 321 Summit St
Terry Siggins - 400 Ann St
Darrin Youker - Reading Eagle
Rebecca Keller - 395 Oak Terrace
Karen Livingood - 211 Sycamore Rd
Rev. Schaun Myers - St. James Church
Doug Wesner - Westside Weekly
Sam Loth- Main Street Executive Director
Don Haines
Patrick Scargle - 397 Sunset Rd
Tony Tomczak - 323 Summit St
Philip Wert - 214 Olive St
Kelly Lonaberger - 133 Franklin St
Mark Zettlemyer - Reinsel Kuntz Leshner LLP

PLEDGE OF ALLEGIANCE AND INVOCATION: Pastor Schaun Myers gave the invocation, which was followed by the Pledge of Allegiance.

PUBLIC COMMENTS:

William Damore - 325 Kline St - Mr. Damore complained about the residents who rent on his block and stated they just don't care about their properties or how they live. He stated that vehicles speed down the street, there are double-parked cars, radios blasting, dog dirt lying around, and unruly kids. Mr. Damore asked if the Borough could control the type of tenants that come to live here. Solicitor Socrates J. Georgeadis stated the Borough cannot control the tenants who move into the Borough.

Oswald Herbert - 314 Reading Ave - Mr. Herbert inquired if there is a way for the Borough to do a certain level of scrutinizing of tenants to prevent general decay. The Solicitor asked what standard would be used and believes the Borough should not be involved in screening tenants. Mrs. Murray noted that until each individual is responsible for him/her self, we are not going to get any further.

Carl Schwarz - 321 Summit St - Mr. Schwarz outlined Section 8 living condition rules. Police Chief Edward C. Fabrizio noted that the Police Department cannot enforce Federal laws, only State laws.

COUNCIL MINUTES: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council approved the corrected minutes of the Regular meeting on February 21, 2006. March 21, 2006 minutes were not ready for approval.

AUDITOR'S REPORT - On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Shane J. Keller and passed, Council accepted the Auditor's Report.

Mark Zettlemoyer of Reinsel Kuntz Leshner LLP stated the firm prepared the statements based on a modified cash basis of accounting. Mr. Zettlemoyer pointed out the following information as presented in the Annual Audit and Financial Report. At the end of December 2005, the Borough had \$947,553. Total Tax Revenue on December 31, 2005 was \$1,983,519. Total Revenues in the General Fund for 2005 were \$3,203,997 and includes interfund operating transfers of \$532,915. Total Revenues in all funds for 2005 were \$9,401,372, with interfund operating transfers of \$1,736,100. Total Expenditures in all funds amounted to \$9,454,825. The excess of Expenditures over Revenues for December 31, 2005 is \$(53,453), which was spent out of reserves. On page 21, long-term debt payment requirements are noted through year 2032, with total amount to be paid at \$21,331,466. At the end of 2005, the Borough's total debt and revenue anticipation notes amount to \$12,852,995.

Mr. Zettlemoyer reported that Wachovia Bank had overbilled the Borough by \$35,000 for the October 2005 debt payment, which went through the cash disbursement cycle and got paid. The Bank has been notified and should be reimbursing the Borough about \$35,000 to \$36,000. The Borough Manager should make sure that the Borough has received this reimbursement. Per Mr. Zettlemoyer - All payments to be considered should go back to the original document before a check is processed and somebody not involved in the payment should review the bills by going back to the original document. Mr. Zettlemoyer stressed that there is a lack of segregation of duties throughout the Borough's internal control, due to the limited size of its staff. Additional staff may need to be hired to make sure there is segregation of duties between the Borough assets. Mr. Zettlemoyer is willing to sit down with Council and the Borough Manager to discuss this matter in more detail.

Mr. Zettlemoyer noted that the Borough does not have a written overtime policy or credit card use policy, which must be incorporated.

Emergency Services Taxes amounted to about \$481,000 and he suggested a separate account should be established for this revenue in order to keep easier track of disbursements. When reviewing the 2005 budget in relationship to Emergency Services Taxes, it was noticed that it was based on \$52 and not \$47, which is the actual amount the Borough receives per taxpayer.

The General Budget had \$262,000 in it that was supposed to be transferred from one of the bond posting funds into the General Fund. Instead of going to the General Fund, the money went into the Capital Reserve Fund. From the Capital Reserve Fund, the money was spent on items primarily related to items for the Chestnut Street Pump Station project and Debt Service payments. Supporting documentation was available for this. Mr. Zettlemoyer suggested that one of the policies that the Borough should have in place -Budget versus Actual - should be completed on a monthly basis for Council review. **Any budget modifications should go before Council before they are actually made.**

Mr. Zettlemoyer noted that ten adjustments were made to the original trial balance. Of the adjustments that were recorded, the following are descriptions of the adjustments that could, in their judgment, either individually or in the aggregate, have a significant effect on the Borough's financial reporting process:

- (1) To reverse prior year accounts payable conversion to cash basis in the amount of \$28,003
- (2) To properly reflect bond refinancing in the amount of \$1,880,000
- (3) To properly reflect miscellaneous reimbursements and account mispostings in the amount of \$38,411

BOROUGH MANAGER'S REPORT - On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council accepted the Borough Manager's Report.

- a. **Cathy Hoffman** - The Borough received 30 applications and interviewed six people for the position of Secretary II. The Personnel Committee recommends the hiring of Cathy Hoffman and asked for Council approval to hire her. Welcome Cathy! On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferenchick and passed, Council approved the hiring of Cathy Hoffman.
- b. **Seasonal Summer Help** - The Borough is receiving applications/resumes until April 28 for seasonal summer help.
- c. **Tax Incremental Financing (TIF)** - Ken Pick of the Berks County Redevelopment Authority and Ed Geubtner of Mullin & Longergan

Associates spoke regarding the TIF process. Mr. Geubtner explained that should there be an increase in taxes above and beyond what has been collected up until now that the increase be utilized to pay off the bond or mortgage through the Redevelopment Authority to make improvements. Under the TIF legislation, a TIF can run for a period of up to 20 years. The taxing bodies can surrender and give up for the time being all or part of that increment of taxes. It is also a matter to work out the final improvements as to what is going to be needed. In order to keep the discussion going, Mr. Geubtner asked that someone be appointed who will work with Mr. Pick? The County has already picked someone and the School District will also pick someone to represent them during this dialogue.

Mr. Pick explained that his concept is to use Federal and State funds for the majority of the costs at the Penn View site, use the TIF to get reimbursed for those costs, which we can do, in order to move to the Cherry Street Parking Lot project. This allows for financing improvements as we go. Council Member Michael P. Ferenchick asked if there is an increase in millage, would the Authority revisit the baseline. No, that is established at the beginning.

On motion duly made by Council Member Shane J. Keller, seconded by Council Member Kevin M. Conrad and passed, Council appointed George I. Tindall as Borough representative to the TIF Committee.

- d. County UCC Appeals Board - Council needs to decide whether they want to retain the Borough Code Hearing Board or use the County UCC Appeals Board at an annual membership fee of \$200. Following discussion, on motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael W. Morrill and passed, Council appointed the County UCC Appeals Board at an annual membership fee of \$200.
- e. Emergency Purchase - Ratification of purchase of a pump for diving well at a cost of \$2,265.00 plus shipping. Following discussion, on motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council ratified the purchase of a pump for diving well at a cost of \$2,265 plus shipping.
- f. March of Dimes - March of Dimes requests permission to conduct an April 30, 2006 Walk-A-Thon through the Borough. The March of Dimes would like permission to walk on Borough property and to open the restrooms at the Fieldhouse. On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Kevin M. Conrad and passed, Council approved March of Dimes Walk-A-Thon.
- g. RiverPlace Development Corporation - RiverPlace Development Corporation requests permission to conduct a May 7, 2006 - 5k Run through the Borough. On motion duly made by Council Member Shane J. Keller, seconded by

Council Member Kevin M. Conrad and passed, Council approved the RiverPlace 5k Run.

- h. Payment Application No. 2 - Payment Application No. 2 for period ending April 4, 2006 to Blanski, Inc. for \$1,437.00. This application represents the retainage currently being held by the Borough. ARRO did not provide any inspection during this project, and it is their understanding that the system is functioning as required. This request was received April 13, 2006 and Borough Manager George Tindall has not seen it. However, Council may wish to approve payment. On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Kevin M. Conrad and passed, Council approved payment to Blanski, Inc. for \$1,437.00, which represents the retainage being held by the Borough.
- i. Next Council Meeting - The third Tuesday of May is Primary Election Day. The May Council meeting will be held on Monday, May 15, 2006 at 7:00 p.m.

ENGINEER'S REPORT - On motion duly made by Council Member Shane J. Keller, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Engineer's Report.

Roof at Borough Pool - Borough Engineer Darryl A. Jenkins, P.E. of Great Valley Consultants requested Council's permission to advertise bid documents for replacement of the roof at the Borough pool. On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Kevin M. Conrad and passed, Council approved to advertise for bidding for the roof replacement at the pool. Work will not begin until after Labor Day.

Museum Road Bridge - Mr. Jenkins spoke with Mr. Jones of the city of Reading regarding the Museum Road Bridge, which PennDOT recently inspected. The items that must be completed are maintenance items, not repair items. Mr. Jenkins will speak with Borough Foreman Jim Beane regarding these maintenance items. The bridge is inspected every two years.

SOLICITOR'S REPORT: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Solicitor's Report.

Foreman James Beane Agreement - Borough Solicitor Socrates J. Georgeadis presented an agreement between the Borough and Foreman James Beane. Mr. Georgeadis outlined the guidelines of the agreement. On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Shane J. Keller and passed, Council approved the agreement between the Borough and Mr. Beane. The Union has also approved the agreement.

Recreation Commission Quorum - Mr. Georgeadis informed Council that previously they had appointed 13 members to the Recreation Commission, with a quorum of seven members required for a meeting. The Recreation Commission would like to change the quorum to five members. On motion made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferenchick and passed, Council approved to advertise the change to a quorum of five members for meetings.

Air Pollution Control Ordinance - Mr. Georgeadis advised Council that Liberty Environmental, Inc. (Liberty) has reviewed the proposed ordinance for "biowaste incinerators". The ordinance was not advertised, mostly due to the fact that Liberty did not review Council Member Michael H. Doyle's attachment, which was added on to the motion at the March Council meeting. Mr. Georgeadis stated that Liberty raised the same issues that Mr. Doyle raised. Liberty stated that our ordinance should contain some particulate standards as well as emission standards. Council Member Michael W. Morrill stated that he only found out tonight that the ordinance was not advertised for tonight's meeting. Mr. Morrill expressed his concern about this in view of the fact that at the March meeting, Council voted to advertise it. He felt that in this case he should have been informed that it was not going to be advertised. Mr. Morrill stated that he instructed Liberty to do something much broader (to include all bio-waste, not just from crematoria). He found out that they were instructed to concentrate only on crematoria. By narrowing it, it limits the Borough's ability to control air pollution that would come from other types of facilities in the future.

Mr. Morrill outlined the concerns that Liberty has.

1. The proposed mercury and dioxin standards are significantly more restrictive than the federal standards for medical waste incinerators. Mr. Morrill noted this is true, that is what the Borough is trying to do. Mr. Morrill stated that federal and state standards are inadequate.
2. The proposed continuous emissions monitoring requirements do not appear to be technically feasible for dioxins and would be technically challenging and very costly for mercury. Mr. Morrill provided Liberty with nine names of providers of emissions monitoring equipment and they only spoke to one, which happened to be a high-end provider. Liberty recommends that the Borough consider requiring that biowaste incinerators meet the federal standards for medical waste incinerators (40 CFR 60 Subpart Ec). The Subpart Ec standards include extensive air pollution control monitoring requirements which are technically feasible and which would provide assurance that emissions are minimized. The ordinance does not explicitly require the use of air pollution controls to remove these air toxics from the incinerator exhausts but the relatively stringent emissions limits indirectly would require the use of controls such as scrubbers in addition to the standard afterburner systems typically employed by small crematoria. Because of the possible variability in ambient mercury levels and mercury levels in natural gas, we believe that specification of a mercury pollution control removal

efficiency (like the 85% removal specified in Subpart Ec) or specification of a mercury incinerator exhaust concentration limit may be more appropriate than requiring a mercury limit to be determined based on an extensive baseline study. About 15% still go up in the smokestack and back into the neighborhood. The federal air emissions standards for medical waste incinerators (40 CFR 60 Subpart Ec) impose emissions limits, air pollution control requirements, and monitoring and testing requirements on medical waste incinerators. The Subpart Ec Standard exempts crematories from these standards. Liberty believes that it may be beneficial to consider requiring that any "biowaste incinerators" in West Reading (including crematories) comply with the provisions of the federal Subpart Ec rule. Mr. Ferenchick asked if we could add scrubbers to the ordinance. Mr. Morrill stated that by not defining how they can meet the standards, we let them come up with the least expensive way of being responsible. If they don't meet the standards, then they are fined. The Borough would be able to issue a cease and desist notice. Whether they would stop is unknown. The Borough can get a court injunction.

3. The Solicitor summarized his concern with the draft copy of the ordinance. Mr. Georgeadis stated that at minimum, the Borough needs to have a qualified engineering report that would validate what we are trying to do in the ordinance. Liberty went about 80% towards that and suggested that we meet with Liberty so we can work on a 100% agreement.

Soc said it would be a motion for the Borough to intervene as a party in the Zoning Appeal of Stone Arch Associates Crematorium. Michael W. Morrill and Borough Solicitor will represent the Borough on May 1. The hearing is at the Fire Company at 7:00 p.m. and Borough representatives will present a case in opposition to a crematorium at the hearing. Mrs. Murray noted there was a motion on the table and called for a vote to enter into opposition on the record at the Zoning Hearing Board. The vote was unanimous. Council Member Michael P. Ferenchick did not want to advertise the ordinance until it has been refined. Council Members are to call or email Administrative Assistant Rosalie Loeper to pick a date to review this proposed ordinance with Mike Ewall of ActionPA and Gavin Biebuyck of Liberty. Mrs. Loeper is to call both gentlemen and make arrangements. Liberty did not receive the addendum that Council Member Michael H. Doyle prepared.

SHADE TREE COMMISSION - The minutes of the March 16, 2006 Shade Tree Commission meeting were not approved, since they have not yet been completed.

INFRASTRUCTURE COMMITTEE: There was no meeting on March 22, 2006.

TRAFFIC COMMITTEE: On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Shane J. Keller and passed, Council accepted the Traffic Committee minutes of March 22, 2006.

RECREATION COMMISSION: A meeting was scheduled on April 4, 2006. There was no quorum; no motions were passed. Council Member Nathalie R. Kulesa prepared and distributed notes regarding the items that were discussed. All Council Members are invited to the May 2nd meeting at 6:00 p.m. to taste test food products to be sold during the 2006 summer season.

PLANNING COMMISSION: The minutes of the April 5, 2006 Planning Commission meeting were not approved, since they have not yet been completed.

POLICE CHIEF'S REPORT: On motion duly made by Council Member Michael P. Ferrenchick, seconded by Council Member Nathalie R. Kulesa and passed, Council approved the Police Chief's Report.

Hand Units - Police Chief Edward C. Fabriziani advised that one of the hand units needs to be replaced, due to water damage. This is an unbudgeted amount under Communications. There is a \$500 deductible under the small equipment policy.

National Instant Management System (NIMS) - Chief Fabriziani stated that the federal government has issued new mandates that must be done by employees of municipal government. In the MOPEC updates this year, the IS700, which is an all-day test, had to be passed in order for police officers to be certified. Eventually, the road crew, office staff, and elected officials will have to take NIMS. If this is not done, federal funding will be lost. The Chief spoke with Tom Bausher, the Emergency Management Coordinator, who will set up the requirements as they become due. Council President Stephanie J. Murray asked if this test could be taken on-line. The Chief replied that many people who take the test on-line have failed it. The Borough is responsible for making sure all new employees take the test.

Personnel - Chief Fabriziani noted that Officer Marco DeCamillo's last working day will be on April 24, 2006, at which time he is taking his authorized vacation before entering active duty with his Marine Corps Reserve unit in Iraq on or about May 14, 2006. The Department wishes him a safe and healthy tour. The Chief presented cost saving dollar figures for Officer DeCamillo, Officer Ladd, and the hire of a new officer.

Graffiti - Chief Fabriziani addressed the issue of graffiti throughout the Borough. He advised that Code Compliance Officer Jason S. Ganster would enforce the private property owners about their duties. Mr. Ganster upon notification should immediately send letters to property owners with deadlines and then notify the Police Department to investigate. Our Public Works Department would address the graffiti located on public property. The Mayor asked if anyone sees any new graffiti, please contact Mr. Ganster immediately.

MAYOR'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael W. Morrill and passed, Council accepted the Mayor's Report.

\$10,000 State Grant - Mayor Kevin S. Barnhardt announced that through Senator Michael O'Pake's office, the West Reading Police Department shall receive a \$10,000 grant, which should arrive before the end of the fiscal year.

County Codes Meeting - Mayor Barnhardt stated that the County codes meeting would continue on Friday, April 21. Mr. Barnhardt serves on the Legislative Committee working on potential state legislation to help with code violators and tenant issues. Mr. Ganster serves on the Technical Committee. The group meets every other week.

Garden Club Committee - The Committee would like the Borough to have one more weed killer spraying on the bank in the 200 block of Penn Avenue. Next spring permanent perennials would be planted. The next meeting is May 11 at 6:00 p.m.

Anniversary Committee - The Committee meetings begin at 7:00 p.m. and are going very well and follow the Garden Club Committee meeting. The Committee is seeking sponsors, is having a sauerkraut dinner, and a fall dinner dance in October 2007.

FOREMAN'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Foreman's Report.

Paint - Foreman Jim Beane asked for Council permission to order paint. He received a quote from E. J. Breneman for \$6,805. The Solicitor advised that since this cost is between \$4,000 and \$10,000, Mr. Beane must receive two other price quotes, which can be done by telephone.

MAIN STREET EXECUTIVE DIRECTOR'S REPORT: On motion duly made by Council Member, seconded by Council Member Michael W. Morrill and passed, Council accepted the Main Street Executive Director's Report given by Mayor Barnhardt.

Main Street Foundation and Main Street Authority- The Mayor announced that, due to the Zoning Hearing Board meeting on Monday, May 1, the Authority and Foundation meetings have been moved to Tuesday, May 2 at 6:00 and 7:15 p.m.

Elm Street NAC Meeting - Mayor Barnhardt noted the NAC meeting is set for Wednesday, April 19 at which time the draft of the DCED Housing Program for new home buyers will be reviewed. On Wednesday and Thursday, candidates will be interviewed for Elm Street Manager.

ICGR Meeting - Mayor Barnhardt stated that Jerry Johnson shall appear at Borough Council meeting Monday, May 15 to discuss the ICGR, which involves city of Reading and Wyomissing and West Reading Boroughs.

Farmers Market - Mayor Barnhardt announced that plans are proceeding for a Farmers Market to be located along the south side of the 500 block of Penn Avenue beginning at 550 Penn Avenue heading east. Initially, approximately six to eight farmers have shown interest in selling products. There is a possibility of having a part-time police officer on duty to cross pedestrians mid block. Council President Stephanie J. Murray suggested that volunteer Fire Police could be used to cross pedestrians instead of a part-time police officer. The farmers would like to receive copies of by-laws and recommended that a market manager be appointed. Mr. Barnhardt stated this could be a college student studying agriculture. A set fee should be established prior to the season starting and the fee should be paid prior to the first sale in mid July. Chief Fabriziani shall request PennDOT approval to conduct this sale on a state road.

CODE COMPLIANCE OFFICER'S REPORT: On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Code Compliance Officer's Report.

Zoning Hearing Board - Code Compliance Officer Jason S. Ganster stated the Zoning Hearing Board made the following decision. It approved 12 one-unit apartments at the Inner Circle, 416 Reading Avenue and denied 13 two-unit apartments on the second floor at this location.

223 Chestnut Street - A Zoning Hearing Board meeting is scheduled for 223 Chestnut Street on April 19, 2006.

511 Reading Avenue - A Zoning Hearing Board meeting is scheduled for 511 Reading Avenue on May 1, 2006.

FIRE CHIEF'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Fire Chief's Report.

Apparatus Vehicle Investigation Report - Fire Chief Mark D. Burkholder distributed copies of the April 9, 2006 accident report of the fire apparatus vehicle for Council's review.

TREASURER'S STATEMENT OF OPERATIONS: On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Shane J. Keller and passed, Council accepted the Treasurer's Statement of Operations.

ACCOUNTS PAYABLE: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferenchick and passed, Council approved the bills to be paid.

ADJOURNMENT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council adjourned the meeting at 9:08 p.m.

Respectfully submitted,

Rosalie Loeper
Recording Secretary

Approved by George I. Tindall
Borough Manager/Secretary