

BOROUGH OF WEST READING – BOROUGH COUNCIL

JUNE 20, 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 Michael P. Ferencick, Shane J. Keller, and Michael W. Morrill; Mayor Kevin S. Barnhardt, Borough Manager George I. Tindall, 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: Rev. Abera Hellemo - Bethany Lutheran Church
Paulette S. Wagner - 120 South Fifth Ave
Darrin Youker - Reading Eagle
Gayle Antonacci - Elm Street Manager
Laura Rude - 2312 N. Charlotte St., Pottstown, PA
Kim MacVaugh - 2312 N. Charlotte St., Pottstown, PA
Bonnie Lou Batdorf - 384 Oak Terrace
Rebecca Keller - 395 Oak Terrace
Jim & Karen Livingood - 211 Sycamore Rd
Sheila Scott - 322 Chestnut St
Elizabeth Heckler - 460 Chestnut St
Jean Dunlap - 306 Sunset Rd
Kelly Lonaberger - 133 Franklin St
Christine Ely & Mildred Troxelle - 700 Penn Ave, 2nd Floor
Sam Loth - Main Street Executive Director
D Wesner - Westside Weekly
Don Haines - West Fulton St

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

PUBLIC COMMENTS:

Paulette S. Wagner - 120 South Fifth Avenue - Mrs. Wagner created a poem to discuss the traffic and ambulance situation (noise day and night) on Fifth Avenue. She asked why ambulances couldn't return to their stations by Second Avenue the way they used to. Council President Stephanie J. Murray replied that she has requested other ambulance drivers to turn their sirens off when driving through the Borough and to use their horns instead. Many people ignore the warnings that an ambulance is approaching. As far as using Second Avenue, Mrs. Murray replied they try to keep all the ambulances on the major routes rather than having them weave through the Borough streets.

Christine Ely and Mildred Troxelle - 700 Penn Avenue - Ms. Ely and Ms. Troxelle discussed the music that is played during day and evening hours at Le Haute Chocolate Café, 711 Penn Avenue. They did not mind that music was played during Art on the Avenue festivities; however, they do mind that music is played at other times lasting until 10 - 11 p.m. and wanted to know what can be done. Chief Fabriziani explained what could be done. Code Compliance Officer Jason S. Ganster explained that the café is not allowed to have any outside music. Mr. Ganster will speak to the owners of the business tomorrow and let him know that he is in jeopardy of losing his sidewalk café permit.

Elizabeth Heckler - 460 Chestnut Street - Mrs. Heckler asked why the pool hours are going to change on August 7 to 10:00 a.m. to 6:00 p.m. Mr. Ganster replied that at one of the Recreation Board meetings at the end of last year, it was suggested that the time be moved to 10:00 a.m. to 6:00 p.m. on weekends in August, due to the fact that we lose patrons during the week after 5:00 p.m. after the second week in July. This matter will be discussed at July's Recreation meeting, which is scheduled for July 12 at the pool.

Jean Dunlap - 306 Sunset Road - Mrs. Dunlap wanted to know how many signatures she must obtain in order to keep the original pool hours. Mrs. Murray suggested that they appear at the July Recreation Commission meeting. She also stated the water fountain at the pool is filthy. The pool staff will be required to clean it. Foreman Jim Beane noted that the water is safe to drink; however it is not refrigerated and that it is why it does not taste good.

Mrs. Dunlap stated that she has noticed an increase of trash on the sidewalks and streets throughout her end of the Borough.

Sheila Scott - 322 Chestnut Street - Mrs. Scott discussed the noise in the 300 block of Kline Street which continues until 3, 4 and 5 a.m. over the weekends. They talk, yell, and throw cans in a barrel. Mrs. Scott said she called the Police Department. Chief Fabriziani will check to see how the call was handled.

Bonnie Lou Batdorf - 384 Oak Terrace - Ms. Batdorf inquired about 385 Oak Terrace, owned by John Elder. Since 1999, Mr. Elder does not care for his lawn. There are vermin, skunks, poison ivy, and thistles in the yard. The only time it is cut is when the Borough issues citations and contracts to have it cut. Mr. Ganster replied that throughout the years Mr. Elder has received citations and fines, pleads guilty and pays the costs. Mr. Ganster replied that by Friday he would get a contractor to cut the grass and have the grass cut on a two-week basis.

Ms. Batdorf inquired if the Borough has a curfew and the Chief replied that it is from 9:30 p.m. until 6:30 a.m. She asked if she needs to call the police every single time that she sees teenagers in the alley. She may call the police, however, if the group has someone in it that is 18 years of age or older, then they are allowed to be out after 9:30 p.m.

COUNCIL MINUTES: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council approved the Special Council minutes of May 4, 2006 and the Regular Council minutes of May 15, 2006 (date to be changed to the 15th).

BOROUGH MANAGER'S REPORT: On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Michael W. Morrill and passed, Council accepted the Borough Manager's Report. The following items were discussed:

West Reading Police Civil Service Commission - Due to the resignation of Kelly Ganster from the Police Civil Service Commission, Borough Manager George I. Tindall recommended the appointment of James D. Livingood to the Commission. On motion duly made Council Member Shane J. Keller, seconded by Council Member Michael W. Morrill and passed, Council appointed James D. Livingood to the West Reading Police Civil Service Commission.

Deke Gurnavage and Michael Edwards - Resignation letters were received from Deke Gurnavage and Michael Edwards, members of the Shade Tree Commission. Mr. Gurnavage resigned due to personal reasons and Mr. Edwards resigned due to a conflict with his work schedule. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council accepted the letters of resignation from Deke Gurnavage and Michael Edwards.

Catherine Wunsch - 302 South Third Ave - Catherine Wunsch would like to be appointed to the Shade Tree Commission. Prior to Council meeting, Rebecca Keller expressed a desire to also be appointed to the Shade Tree Commission. On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Michael W. Morrill and passed, Council appointed Catherine Wunsch and Rebecca Keller to the Shade Tree Commission.

Resolution No. 2006-8 - It is that time of year when the Joint Municipal Authority has changed its Surcharge rates. The new rates are listed in Resolution No. 2006-8. On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Michael W. Morrill and passed, Council adopted Resolution No. 2006-8, as outlined above.

Resolution No. 2006-9 - This Resolution upgrades a streetlight from a 175-watt, mercury vapor, cobrahead streetlight to a 100-watt, high-pressure sodium vapor, cobrahead luminaire at 740 Cherry St. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael P. Ferencick and passed, Council adopted Resolution No. 2006-9, as outlined above.

Cable Franchise Agreements - Council Members were asked to review the many pieces of information received regarding cable franchise agreements.

Parkview Road Bridge Project - Authorize ARRO Consulting to finish the plans and specifications to repair the Parkview Road Bridge. It was noted that Council had already authorized ARRO Consulting to finish the plans and specifications to repair the Parkview Road Bridge. No other motion is required.

National Incident Management System - (NIMS) - NIMS provides a comprehensive and consistent national approach to all-hazard incident management at all jurisdictional levels and across all functional emergency management disciplines. All employees are to attend the class on Monday, July 17, 2006. Classes are 9:00 a.m. and 7:00 p.m. If employees and officials do not attend, the Borough would lose funding. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferencick and passed, Council resolved to allow Borough employees and elected officials to attend classes for mandatory NIMS certification.

Jim Beane - Mr. Tindall requested permission to send Foreman Jim Beane to a 1-day training course on 8/2/06 in Reading. The course is offered by Career Track and titled "The Ultimate Supervisor" at a cost of \$129.00. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael P. Ferencick and passed, Council approved to send Foreman Jim Beane to attend this seminar at a cost of \$129.00.

Ronald V. Shaffer - 423 Museum Rd - Ronald V. Shaffer would like to be appointed to the Planning Commission. Mr. Shaffer is a resident, has a business in the Borough, and is a registered architect. Council Member Michael P. Ferencick asked that Mr. Shaffer appear at the next Council meeting.

Curb Replacement - Charles Jones, City of Reading Director of Public Works, requires the Borough to replace approximately 180 linear feet of curb bordering West Reading Playground on Museum Road. Mr. Tindall is negotiating with the Reading Public Museum, since they must also replace its curb. Great Valley Consultants engineer Darryl Jenkins advised that it could cost up to \$80 a linear foot. The money to pay for this work would come from funds that were to be used for other projects. Mr. Tindall explained that the area from the bridge to Parkside Drive North needs to be paved. This area could be extended. The Borough will be able to piggyback off of their contract to have that done, which we will not have to bid. The Mayor asked why the City is paving before construction is completed. It probably was bid before the City had knowledge about the addition. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferencick and passed, Council agreed to advertise for replacement of approximately 180 linear feet of curb bordering West Reading Park on Museum Road.

Recreation Coordinator Daphne Klahr - Allow Recreation Coordinator Daphne Klahr to attend July, August, and September Council meetings to give first-hand report of activities and answer any questions. Following discussion, on motion

duly made by Council Member Michael P. Ferenchick, seconded by Council Member Michael W. Morrill and passed, Council moved to allow Recreation Coordinator Daphne Klahr attend the July, August, and September Council meetings.

Borough Step Van - The North/East Chester County SWAT Team requests that Council donates the Borough's step van for transporting the equipment used by their Team. On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Shane J. Keller and passed, Council agreed to donate the Borough's Step Van, as is, to the North/East Chester County SWAT Team.

Snack Bar Icemaker - Mr. Tindall advised that the icemaker is trying very hard to make ice; however, it is not making enough, particularly on hot days. Mr. Tindall noted that it is a water-cooled icemaker, using 150 gallons of water to make each batch of ice, which does not include the water for the ice. Mr. Tindall recommended that Council approve the purchase of a new icemaker from Wolf's Refrigeration for approximately \$3,000. When the icemaker does not make enough ice, the concession stand employees get ice from the Fire Company. He stated there is about \$13,000 in Account # 90452374. Resident Rebecca Keller recommended checking into a good used icemaker. Mr. Tindall is to check with Singer Equipment and Restaurant Supply for a used icemaker. After discussion, on motion duly made by Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council approved the spending of up to \$3,000 for an icemaker after checking that there are no good used icemakers available.

Brush Chipper Grant - Mr. Tindall advised he is working with the County to get a new brush chipper. The one that the Borough currently has is outdated. Mr. Tindall advised that if the Borough can reach an agreement with another municipality, it could receive the grant quicker. Mr. Tindall asked Council Members if they would be interested in reaching an agreement with Birdsboro Borough. If such an agreement were reached, the Borough would receive the brush chipper for free. All maintenance expenses would be shared. Mr. Tindall advised that Birdsboro has a composting area where they take brush to be chipped, and it is possible that Birdsboro may agree to allow our Borough to take our composting material to Birdsboro instead of Zwicki. The details can be worked out later. On motion duly made by Michael W. Morrill, seconded by Council Member Michael P. Ferenchick and passed, Council approved for Mr. Tindall to proceed with the grant process.

Computers - The computer are set up, but are not on the network. The software has been installed for the utilities. In a week it will be installed for codes and possibly for accounting.

Lamar Advertising - Mr. Tindall and a representative from Lamar Advertising to discuss the six signs that are located on the bank as you enter the Borough in the

area of the 200 block of Penn Avenue. Lamar Advertising has the perpetual right to have them there. There is nothing that can be done about this and it would cost a fortune to buy Lamar out. Mr. Tindall noted that after some time, the representative said that Lamar would get rid of the six signs on the bank and in return they would put up two new LED signs in a v form. Code Compliance Officer Jason S. Ganster stated they might have to go before the Zoning Hearing Board. Solicitor Georgeadis stated that many municipalities are adopting new ordinances to accommodate these signs. The brightness can be regulated. Mr. Morrill asked if the Borough receives property tax for the billboards and noted that some municipalities are charging a tax on them. Mr. Tindall stated that some municipalities charge an annual fee for billboards.

There is a very large billboard sign on the top of the bank and he is willing to get rid of this one if the Borough allows him ground space somewhere along 422 in the Bertolet Fishing Dock area to install an LED sign. He is offering the Borough \$3,000 a year for that space. In order to do this, he has to get power to it. Council Members are interested in more details such as sketches of the bank and sketches of the Bertolet Fishing Dock area where he wants to place the signs. Mr. Ferencick stated they must go through normal procedures for these signs. Mr. Ganster will see if it requires a conditional use. Mrs. Murray would like their proposal in writing.

Tracey Levering - Mr. Tindall requested Council permission for Tracey Levering to use three days of sick time instead of vacation time to take care of her son, who will be having an operation. On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Shane J. Keller and passed, Council approved the use of three days sick time.

\$250,000 Infrastructure Grant - Resolution No. 2006-10 - Mr. Tindall announced that Elm Street program received a \$250,000 infrastructure grant. The Borough must make a motion to accept this \$250,000 grant. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael P. Ferencick and passed, Council adopted Resolution No. 2006-10, the \$250,000 grant. Mr. Tindall will ask Mr. Jenkins of Great Valley Consultants to start work on various projects in the Elm Street area.

MEETING WITH WYOMISSING AREA SCHOOL BOARD AND WYOMISSING BOROUGH - MICHAEL MORRILL

Council Member Michael Morrill and the Borough Manager attended a meeting with Wyomissing Borough and the Wyomissing Area School Board on May 30. The meeting was very helpful. The group discussed projects going on by all three entities, received resumes of the two candidates for the Superintendent position and a list of students who attend the district. This list will be used for pool purposes.

ENGINEER'S REPORT: On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Shane J. Keller and passed, Council accepted the Engineer's Report. The following items were discussed:

223 Chestnut Street Land Development Project - Darryl Jenkins of Great Valley Consultants requested Council's conditional approval of this subdivision land development plan. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council conditionally approved the application for land development and granted the waivers requested. The conditional approval is based on the applicant completing the DEP planning module and also getting a letter of service from the Joint Municipal Authority of Wyomissing Valley.

PA Municipalities Planning Code requires that the Borough issue written notice of the approval to the applicant within 15 days of this meeting. Solicitor Georgeadis asked that Mr. Jenkins take care of writing this letter of approval.

Belovich Group Town Homes - Escrow Release No. 1 - A site meeting was conducted on June 2, 2006 between Great Valley Consultants (GVC) and the Belovich Group for the purpose of reviewing quantities of work complete in place and acceptable for Escrow Release No. 1. Based on that meeting GVC is recommending Escrow Release No. 1 in the amount of \$139,860.76 pursuant to the following summary of the financial security:

Initial Escrow Amount	\$1,179,485.17
Release No. 1	<u>139,860.76</u>
Remaining Balance	\$1,039,624.41

On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferenchick and passed, Council approved the release of \$139,860.76.

SOLICITOR'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferenchick and passed, Council accepted the Solicitor's Report. The following items were discussed:

- a. Ordinance No. 936 - This ordinance increases the indebtedness of the Borough by the issue of a General Obligation Note for \$200,000.00 for the purpose of the West Reading Fire Department to refund a portion of its outstanding debt used to construct the Firehouse. Borough Solicitor Socrates J. Georgeadis mailed a copy of this ordinance to all Council Members. Mr. Ferenchick ascertained that every cent of this money was going to pay off the fire company debt and was assured that it would be. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council adopted Ordinance No. 936, as outlined above.
- b. Ordinance No. 937 - This ordinance ratifies the adoption of the terms, provisions and conditions of the West Reading Borough Non-Uniform

Pension Plan pursuant to the Plan Document with Standard Insurance Company, effective January 1, 2003. The express intent of the Plan is to have the Standard Insurance Company administer the retirement plan for the Borough's municipal employees. An audit revealed there was never an ordinance ratifying the adoption of that switch. The Solicitor prepared and advertised an ordinance for adoption. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferenchick and passed, Council adopted Ordinance No. 937.

- c. Executive Session - Solicitor Georgeadis requested an executive session involving litigation between Keith Zielaskowski versus the Zoning Hearing Board of the Borough of West Reading. This is a Zoning Appeal filed by the applicant in the Inner Circle, 416 Reading Avenue, zoning matter. The Applicant has filed an appeal before the Common Pleas. The Zoning Hearing Board is the defendant in that matter and the Borough has some options it needs to consider. The executive session will be held near the end of the meeting.

INFRASTRUCTURE COMMITTEE: On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Shane J. Keller and passed, Council accepted the Infrastructure Committee Report of May 24, 2006.

RECREATION COMMISSION: On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Michael W. Morrill and passed, Council accepted the Recreation Commission Reports. The following items were discussed:

Jason Eisenhower - Part-time Lifeguard - The Recreation Commission recommends that the Borough hire Jason Eisenhower as part-time lifeguard at \$6.75/hour. Jason previously worked for the Borough as a lifeguard and a playground leader. On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Shane J. Keller and passed, Council approved the hire of Jason Eisenhower at \$6.75/hour as part-time lifeguard.

Andrew Sauls - Playground Leader - The Recreation Commission recommends that Borough Council give conditional approval to hire Andrew Sauls as playground leader at \$6.25/hour as playground leader, providing successful interview with the Recreation Commission.

Rules and Regulations - The Recreation Commission would like Council approval to amend the Rules and Regulations by requiring a parent or guardian to complete paperwork for their child if they are between the ages of 11 and 18 when using the pool on a daily basis. The Commission recommends this be done to keep track of each child's identity. In the event of an emergency, the Borough has contact information on record. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council

approved to amend the Rules and Regulations of the West Reading Swimming Pool as outlined above.

Moonlight Swim - A moonlight swim is scheduled for Friday, June 30, 2006 and is scheduled to end at 10 p.m. The Commission requests Council permission to extend the time to 11 p.m., as the Borough is hosting the basketball tournament this year. This would allow the teams to swim after the game, weather permitting. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael P. Ferencick and passed, Council approved to allow the pool to be open until 11 p.m.

PLANNING COMMISSION: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael P. Ferencick and passed, Council accepted the Planning Commission Report. The following item was discussed:

Redevelopment Plan - Council President Stephanie J. Murray stated that Mr. Pick has revised the Redevelopment Plan. The properties deleted were 131, 133, and 135 Franklin Street and 158 Penn Avenue. Added to the plan were two areas down by the river known as West Shore and West River Drive. Mountain Top Associates own one property and the other is owned by a holding company for the Reading Railroad. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council amended the Redevelopment Plan as outlined above.

Borough Manager George I. Tindall stated that a public hearing should be scheduled for Tuesday, July 18, 2006 at 6:00 p.m. prior to the Council meeting. All Council Members should be present for the hearing. The Redevelopment Authority will place the ad in the newspaper. On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Michael W. Morrill and passed, Council approved to conduct a hearing to adopt this amendment to the redevelopment. Due to the time of this hearing, Mayor Barnhardt stated he would move his MAC meeting to August 15, prior to Council meeting.

POLICE CHIEF'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council accepted the Police Chief's Report. The following item was discussed:

William and Julie Baeighkley - 129 Olive Street - Police Chief Edward C. Fabriziani advised that Mr. & Mrs. Baeighkley requested to have the current handicapped parking space assigned to his wife moved from across the street to their side of the street, due to a change in her medical status, which was verified by her doctor. Because of this being an emergency, the Mayor authorized the change under Borough Ordinance #744, Chapter 14, Section 103 as an emergency parking regulation. Chief Fabriziani asked Borough Council to authorize this change under Borough Ordinance #744, Section 104 (90-day Temporary

Experimental Regulations) which would allow 90 days for the Traffic Committee to meet, investigate, and come back to Borough Council with a permanent recommendation. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael W. Morrill and passed, Council approved the temporary handicapped parking space as outlined above.

MAYOR'S REPORT: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael W. Morrill and passed, Council accepted the Mayor's Report. The following items were discussed:

Anniversary Committee - Mayor Kevin S. Barnhardt advised that the Anniversary Committee would meet next on July 13, at 6:00 p.m. PennSterling Bank asked how they could be of help. The Mayor will advise them.

City County Codes Committee - The Mayor will attend a meeting of the City County Codes Committee on Friday, June 30 at 10:00 a.m.

FOREMAN'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council accepted the Foreman's Report. The following item was discussed:

Traffic Circle - The Borough Manager commended Foreman Jim Beane and Borough Crewmember Dave Rodriguez on the great job that was done with the flower garden located at the Traffic Circle. Mayor Barnhardt thanked them for placing the Lions Club plaque in the same area.

MAIN STREET EXECUTIVE DIRECTOR'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferrenchick and passed, Council accepted the Main Street Executive Director's Report. The following items were discussed:

Promotional and Marketing and Design and Rehabilitation Teams - Main Street Executive Director Sam Loth advised there are openings on both teams.

Art on the Avenue - Mr. Loth advised that the Art on the Avenue event was absolutely tremendously successful. Mr. Loth praised the Borough Crew for going over and beyond their call to help with the event. Mr. Loth also thanked Mayor Barnhardt, and Council Members Shane J. Keller and Kevin M. Conrad for arriving early the day of the event to help with setup.

Elm Street Manager and Interns - Mr. Loth introduced Elm Street Manager Gayle Antonacci, who in turn introduced interns Laura Rude and Kim MacVaugh. Ms. Antonacci would like to get Borough residents involved with the Elm Street Project. Mr. Loth noted that Transportation Enhancement granted a \$115,000 award. This money will be used to enhance the gateway into the Borough.

West Reading Farmers' Market - The Farmers' Market will begin Sunday, July 16 at 10:00 a.m. to 2:00 p.m. Six farms have agreed to start the program. More will follow once the crops are plentiful. Mr. Loth introduced Becca Keller who is the manager for the West Reading Farmers' Market.

Grants Received - Mr. Loth announced that Main Street has received over \$700,000 in grant funds this year.

CODE COMPLIANCE OFFICER'S REPORT: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael W. Morrill and passed, Council accepted the Code Compliance Officer's Report. The following item was discussed:

Zoning Hearing Board - Code Compliance Officer Jason S. Ganster distributed notices for the Zoning Hearing Board Notice for Continuance for Stanton Funeral Home and Mortuary of West Reading, Inc. at 511 Reading Avenue on June 28, 2006 at 6:00 p.m. at the West Reading Fire Company, 223 Playground Drive.

FIRE CHIEF'S REPORT: On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Shane J. Keller and passed, Council accepted the Fire Chief's Report. The following items were discussed:

2006 Capital Budget - Fire Chief Mark D. Burkholder received the six Borough Crew hand units, which took the place of new radios he had requested. To make the radios fire service ready, Chief Burkholder requested to purchase six speaker/microphones, six chargers, and to have six units reprogrammed at a cost of \$911. He asked that this cost come from the \$5,000 budgeted for new radios. The second part of his request is to purchase ten firefighter pagers that were approved in the capital budget, not to exceed \$5,000, as approved. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael W. Morrill and passed, Council approved the purchase of six speaker/microphones, six chargers, and the reprogramming of six units and the purchase of ten firefighter pagers to be paid from Capital Budget.

Second Assistant Fire Chief - Chief Burkholder announced that Second Assistant Fire Chief Christian Murray will be resigning from his position effective the end of the day June 30, due to his family moving out of the Borough. The Chief requested Council to appoint Lieutenant Dean Murray to Second Assistant Fire Chief effective July 1, 2006. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferencick and passed, Council accepted Christian Murray's resignation and approved the appointment of Dean Murray to the position of Second Assistant Fire Chief, effective July 1, 2006. Motion carried 3-0-1, with Stephanie J. Murray abstaining.

Amkus Rescue Tool Set - Chief Burkholder distributed copies of a letter he received from the County Commissioners. This letter congratulates the Fire

Department on the award of an Amkus rescue tool set under the CEDAP Phase II grant program. This tool set is estimated to cost around \$30,000. It should be received this summer and after a training session the Fire Department will own it. This item is better known as the "Jaws of Life".

TREASURER'S STATEMENT OF OPERATIONS: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferencick and passed, Council accepted the Treasurer's Report.

ACCOUNTS PAYABLE: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael W. Morrill and passed, Council accepted the bills to be paid dated June 15, June 19, and June 20, 2006.

Air Quality and Emission Standards Ordinance - After months of preparation, on motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council moved to advertise the ordinance for adoption in July.

Prohibiting the Discharge of Firearms - Council Member Michael W. Morrill presented recommendations to change Chapter V, Section 101 of the Borough Code of Ordinance Book. The recommendation follows:

Section 101. Prohibiting the Discharge of Firearms - Discharge of Firearms Prohibited - Except in necessary defense of person or property, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough of West Reading.

Use of Air Rifles, Bow and Arrows or Similar Devices Restricted

It shall be unlawful for any person to use, fire or discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough of West Reading, except as provided below, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

Exceptions

This part shall not apply to any law enforcement officers when used in the discharge of their official duties.

Penalties for Violation

Any person shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

Police Chief Edward C. Fabriziani stated this ordinance would be redundant, since it is covered under Pennsylvania Crimes Code. Chief Fabriziani noted the

Borough currently has a firearm ordinance that regulates the discharge of any gun or firearm. The Chief stated that as far as air rifles are concerned, a summary ordinance violation can only carry a fine up to \$1,000. The Judge sets the fine. Chief Fabriziani cited other instances, which are already covered by PA Crimes Code. Solicitor Georgeadis suggested that the only way the Police might consider citing under this ordinance is as a lower summary offense for a young child who would use a BB gun or pellet gun and you may not want to charge them for a misdemeanor. The Chief stated that if a child uses one of these weapons and goes to juvenile court, the Judge would downsize the offense. The Chief congratulated his men and the school district for quickly finding the offender. No action taken.

Intoxometer - Officer Matthew Beighley recently attended a dinner sponsored by MADD (Mothers Against Drunk Driving) and MADD presented the Department with an Intoxometer (breath test meter) for DUI stops.

EXECUTIVE SESSION: Council President Stephanie J. Murray called an Executive Session at 9:05 p.m. to discuss litigation. Council reconvened at 9:35 p.m.

ZONING HEARING BOARD - Council President Stephanie J. Murray requested a motion to intervene with the Zoning Hearing Board versus Keith Zielaskowski on the Borough side. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council approved the intervention on behalf of the Zoning Hearing Board.

ADJOURNMENT - On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Shane J. Keller and passed, the Council meeting adjourned at 9:40 p.m.

Respectfully submitted,

Rosalie Loeper
Recording Secretary

Approved by George I. Tindall
Borough Manager/Secretary