

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

April 20, 2021 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, April 20, 2021 with the following persons present: Council President Jack Gombach; Council Vice President Philip Wert; Council Pro-Tem Christopher Lincoln; Council Members Patrick Kaag, Samantha Kaag, Jennifer Bressler, and Ryan Lineaweaver; Mayor Andrew Kearney; Solicitor Daniel Becker and Colin Macfarlane; Police Sergeant Ryan Phillips, Police Officer Nicholas Karetas; Fire Chief Chad Moyer; Borough Manager Nicholas Imbesi; Public Works Director Dean Murray; Code Department Manager Cathy Hoffman; Recreation Director & Assistant Treasurer Helen Moyer; Treasurer Jeanette Rentschler; Engineer Tom Unger; Main Street Manager Mark Ratcliffe; Fire Marshal Troy Hatt; and Borough Secretary Cynthia Madeira.

VISITORS: (In attendance via Zoom Meeting)

Karen Livingood, Resident	Zachary Shaver, Resident	Carl Garman, Resident
Allen Heist, Resident	Christina Shenk, Resident	Cody Rhoads, Resident
Heidi Reuter, Resident	Denise Drobnick, Resident	James Rogers, Resident
Angel Gonzalez, Visitor	Timothy Nye, Visitor	Michelle Lynch, Reading Eagle
Jennifer Hanf, Visitor	Edna Garcia-Dipini, Visitor	Sammie Rosa, Visitor
Lola Gonzalez, Visitor	Ben Will, Visitor	Javier Flores, Visitor
Liz Epps, Visitor		

1. **CALL TO ORDER:** Council President Jack Gombach called the meeting to order at 7:02 p.m. via Zoom, which was followed by the Pledge of Allegiance and Roll Call. A moment of silence was requested to remember a former member of Borough Council Nicholas Gardecki. Mr. Gardecki was always very thoughtful and thorough in his approach to Council matters, and his presence in our community will be missed.
2. **PUBLIC COMMENT:** Mr. Gombach shared thoughts and reflections of Borough Council's sadness and disappointment in the recent racial injustice within the community. These actions are unacceptable whether from an elected official, a staff member, or an appointed official. West Reading prides itself in promoting diversity for all who live, work, or enjoy our community. The allegations that have been made, as many visitors will share their thoughts and feelings tonight, will be taken seriously, and treated with utmost severity. Borough Council is planning on launching a full and thorough independent investigation into all claims and accusations in order to properly hold every single person accountable for these actions. Mr. Gombach reminded everyone to remain respectful and to limit their comments to five minutes to allow everyone an opportunity to comment.

Mr. Nye noted that he and Mr. Gonzalez are cofounders of the One Love Project that embraces diversity. It was felt that the Mecca restaurant in West Reading is being discriminated against and the Mayor was asked to share his opinion of this establishment. Mr. Becker reminded everyone that this is a public comment portion of the meeting and not an interrogation. He advised the Mayor to be careful with his comments in order to allow a fair and impartial investigation. Mayor Kearney indicated that he was unaware of any issues at this establishment until he received a call.

Ms. Garcia-Dipini indicated that she was the person asked to move her vehicle last weekend and thanked everyone for the opportunity to speak. She indicated that her complaint surrounds “fencing-in” and indicated that the Police and Borough of West Reading are targeting people of color at the corner of Franklin Street and Second Avenue, specifically 166 Franklin Street in front of the Mecca establishment. Customer vehicles have been targeted with soft tactics that intimidate, harass and disempower individuals from establishing themselves outside of a designated area. There are a group of white residents that continue to call the Police, causing the Police to be stationed outside this establishment all weekend. She and her son were harassed by the Police and a resident this past weekend. Ms. Garcia-Dipini thanked Officer Tinoco for his professionalism and his kindness and expressed her uncertainty as to how this would have panned out had it not been two Latinos speaking to each other. She felt helpless following the incident last Sunday and was unsure of attending this meeting tonight, however, to set an example for her son she is requesting Borough Council to hold these people accountable for the frivolous calls. She believes in the leadership of the Mayor and Borough Council and is confident that together you will put a stop to what is happening. Ms. Garcia-Dipini requested consideration be given to establishing a 10-minute curbside parking space for this establishment and more importantly a thorough investigation of the ongoing calls that have been placed since December of last year. Mr. Gombach assured Ms. Garcia-Dipini that a full independent investigation will be completed, and that the Solicitor is compiling a list of attorneys with diverse backgrounds to lead this investigation.

Lola Gonzalez inquired as to what action will be taken to let these individuals know that they will be held accountable. She is active in her community and does not feel welcome in West Reading. Mr. Gombach indicated that public communication through the proper channels will be provided.

Mr. Rogers noted with his continued research of business privilege tax collections he found that the Lofts at Narrow that has been in business renting apartments for three years just paid their business privilege license and taxes last month. Mr. Rogers also noted a previous right-to-know request where he presented eighty potential businesses to be included in the business privilege tax collection and the reply that cost him \$28.75 for 115 pages of information. His intent was for the Borough to verify those eighty addresses and what he received was the original documentation that he was researching. Mr. Rogers expressed his support of Turnkey Taxes to assist in finding and collecting business privilege taxes, however, he recommended review of alternate less expensive proposals.

3. **APPROVAL OF COUNCIL MINUTES:** Motion to approve the March 16, 2021 regular meeting minutes and the March 23, 2021 second meeting minutes. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 7-0.**
4. **ORDINANCES / RESOLUTIONS:**
 - a. **Ordinance 1138 – Rental Permit Renewal Penalty Amendment** – This ordinance amendment has been advertised and would renew fees associated with rental permit penalties.

Motion to adopt an ordinance amendment to add a second-tier penalty for failing to renew an expired rental permit. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

- b. **Ordinance 1139 – Prohibited Parking in Alley** – This amendment has been advertised and would permanently prohibit parking in the alley between Tulpehocken Avenue and Olive Street.

Motion to adopt an ordinance amendment to prohibit parking in the alley between the 200 block of Tulpehocken Avenue and Olive Street. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

- c. **Ordinance 1140 – Handicapped Parking Space Amendment** – This amendment has been advertised and would remove the handicapped parking space on North Sixth Avenue that is no longer needed.

Motion to adopt an ordinance amendment to remove the handicapped parking space located on North Sixth Avenue. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

Mr. Lineaweaver departed the meeting at 7:32 p.m.

- d. **Ordinance – General Obligation Bond Refinancing** – Mr. Imbesi noted a reimbursement clause in Section 25 that would allow funding of a fire rescue vehicle in connection with the bond refinancing. The bond financing rate of 1.65% would save roughly \$43,960 in comparison to other available financing options. The purchase of the fire rescue vehicle would need to be fronted until the bond is refinanced this summer. It was noted that PILOT funds have been received which provides sufficient finances to carry through the summer months. Mr. Moyer also noted an approximate savings of \$23,000 from the purchase price by paying upfront, bringing the savings to approximately \$65,000.

Motion to authorize the advertisement of general obligation bond refinancing. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 6-0.**

- e. **Resolution 2021-6 Extension of Local Disaster Emergency** – This Resolution would extend the declaration expiration date to the May Council meeting, allowing the ability to apply for emergency disaster funding.

Motion to approve Resolution 2021-6 Extension of Local Disaster Emergency through May 19, 2021. **Moved** by Mr. Kaag and seconded by Mr. Wert. **Motion carried 6-0.**

5. **CONSULTANT'S REPORT:**

- a. **Solicitor's Report** – Mr. Becker stated that he had nothing new to report at this time and asked to be excused due to a scheduling conflict and noted that Mr. Macfarlane would be available for the remainder of the meeting.

Mr. Becker departed the meeting at 7:32 p.m.

- b. **Engineer's Report** – Mr. Unger commented on the following:

- **Narrow Fabric Subdivision** – Mr. Unger referred to comments within the April 7, 2021 revision to plan of record review letter noting the original plan had been approved with detached garages for lots 38 through 46. Plans have been submitted that propose units similar to the recent Elm Street construction where the garage is internal with a driveway that would provide two off-street macadam parking spaces from Cashmere Way. The proposed change in plans does not impact zoning regulations. The following Subdivision and Land Development Ordinance (SALDO) items were noted:
 - The proposed plans meet the requirements of Section 400-13 C. Revised plan of record.
 - A note has been added to the plan stating that the macadam driveway/parking areas shall be maintained for the parking of two vehicles and accessory structures shall not be placed on this area.
 - Spot elevations have been added to the plan to assist in the grading of the lots.
 - Plans now indicate how and where storm water from the dwelling unit downspouts will discharge.
 - A note has been added to the plan stating the purpose of this plan is to modify the original recorded plan with regards to an internal garage and two space macadam parking areas per unit. All other construction improvements are to be in accordance with the original recorded plan, with a note as to the deed book and volume.
 - The Berks County Planning Commission was contacted by the applicant with regards to their review of plan revisions. The Berks County Planning Commission's response indicated that a review of this plan was not necessary.

The three outstanding administrative items are:

- Coordination with the Solicitor to provide any notes or reference requirements to link this plan to the original recorded plan.
- The plan should be signed and sealed by the responsible Engineer.
- The plan Certificate of Ownership should be signed and notarized.

Mr. Unger noted that the Planning Commission recommended Council's approval of the plans contingent upon the Engineer and Solicitor comments being addressed.

Motion to approve the Narrow Fabric Subdivision revision to plan of record contingent upon satisfaction of the three outstanding administrative items noted above. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 7-0.**

- **Parkview Road Pedestrian Bridge** – Mr. Unger reported a pre-bid conference that was held onsite on April 14, 2021 regarding the concrete pedestal, sidewalk, handrail, and bridge installation portion of the contract. The purchase order with Contech Engineered Solutions has been executed through Costars. Bids will be

received on May 11, 2021 and the results shared during the regular May Council meeting.

Motion to accept the Engineer's report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag.
Motion carried 6-0.

6. **EXECUTIVE SESSION:** Mr. Gombach noted an executive session that was held at 6:00 p.m. this evening to discuss personnel matters.
7. **COUNCIL PRESIDENT'S REPORT:** Mr. Gombach stated that he met with the directors of all departments to discuss long-term goals and what their strategic needs are to meet these goals. He noted a master plan that he received from the Public Works Director and the information will be shared with Borough Council just prior to the annual budget season.

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

- a. **May Council Meeting** – Mr. Imbesi reminded Council of the May meeting that will be held on Wednesday, May 19th due to the Pennsylvania Primary Election.
- b. **Shade Tree Commission** – Mr. Imbesi noted receipt of a letter of interest from Zachary Shaver to serve on the Shade Tree Commission.

Motion to appoint Zachary Shaver to the Shade Tree Commission. **Moved** by Mr. Kaag and seconded by Mr. Wert. **Motion carried 6-0.**

- c. **Planning Commission** – Mr. Imbesi noted receipt of a letter of interest from Zachary Shaver to serve on the Planning Commission.

Motion to appoint Zachary Shaver to the Planning Commission. **Moved** by Ms. Kaag and seconded by Mr. Wert. **Motion carried 6-0.**
- d. **Reopening Borough Hall** – Mr. Imbesi requested Council's opinion as to reopening Borough Hall to the public. Council agreed to allow staff members to determine the timing to reopen Borough Hall based on their comfort levels.
- e. **Second Council Meeting** – Mr. Imbesi requested Council to meet again next week for adoption of the debt bond refinancing ordinance.
- f. **Governor's Orders** – Mr. Imbesi noted that the Governor's Proclamation of Disaster Emergency is set to expire on May 19, 2021. It is unknown currently as to whether the Governor intends to extend this proclamation. Should the proclamation be allowed to expire, meetings would need to return to in-person. Mr. Imbesi will provide updates to Council as they become available.

- g. **Turnkey Taxes** – Municipalities that were listed as references by Turnkey Taxes have been contacted for feedback. It was found that most municipalities were pleased with their service, except for one municipal official that indicated they were unsatisfied but refrained from going into detail. Mr. Imbesi requested permission to negotiate with Turnkey Taxes as to their fees since we did find that some municipalities were paying less than what they are proposing to the Borough. Mr. Wert felt the proposal as presented seems to tackle long-standing issues and thought that the earned income tax, and following suit, local service taxes would be major contributors to the bottom line.

Motion to authorize the Borough Administration to negotiate fees with Turnkey Taxes.
Moved by Mr. Kaag and seconded by Ms. Kaag. **Motion carried 6-0.**

- h. **Assistant Treasurer Salary** – Mr. Imbesi requested permission to move Mrs. Moyer from salary to an hourly pay scale effective immediately.

Motion to move Helen Moyer from salary to an hourly pay scale effective immediately.
Moved by Mrs. Bressler and seconded by Ms. Kaag. **Motion carried 6-0.**

Motion to accept the Borough Manager's report. **Moved** by Ms. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- 9. **MAYOR'S REPORT:** Mayor Kearney noted the struggle Borough Council has experienced during this past year to determine whether the Borough should host large public events. This struggle originates in calculating the threat to public safety as it pertains to COVID-19. It is evident that other municipalities are hosting large events. However, it is the Mayor's opinion and the opinion of the West Reading Police Department that the Borough should refrain from hosting large events until the pandemic is no longer a threat. The Mayor requested Borough Council to consider establishing a policy that would define the time in which large events could begin again in the Borough.

Motion to accept the Mayor's report. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler.
Motion carried 6-0.

10. **DEPARTMENT REPORTS:**

- a. **Police Department** – Officer-in-Charge Ryan Phillips stated that the new K-9 vehicle purchased from the Township of Spring is now in service. Repairs and rebranding have been completed, there are still some electrical issues that are being resolved in connecting the radio. Also, the budgeted vehicle 38-3 replacement is now in service. The outcome of the old 38-3 vehicle will be recommended to Council next month.

Motion to accept the Police Department report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

- b. **Public Works Department** - Mr. Murray offered to answer any questions regarding his report. There were no questions or comments.

Motion to accept the Public Works Department report. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 6-0.**

- c. **Fire Department** - Chief Moyer offered to answer any questions regarding his report or the Fire Department in general. Ms. Kaag shared her experience last week, along with Council Members Ryan Lineaweaver and Patrick Kaag, to shadow the Fire Department during their weekly training event. Ms. Kaag noted that the experience was very intense and commended the department for their process, organization and safety measures that are followed.

Motion to accept the Fire Department report. **Moved** by Ms. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- d. **Code Department** – Mrs. Hoffman offered to answer any questions regarding her report. She shared a bit of good news about the Franklin Manor apartment complex in that excavation began today to repair the sewer line.

Motion to accept the Code Department report. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 6-0.**

- e. **West Reading Community Revitalization Foundation** – Mr. Ratcliffe shared efforts to downsize the Craft Pretzel and Beer Festival next month. There are no street closures or vendors planned for this event. Similar to last year restaurants will be encouraged to offer pretzel and beer pairings. The wearing of masks and social distancing will be requested and crowd size limited. Sergeant Phillips requested confirmation that roadways would not be closed to deter public gathering. Mr. Ratcliffe indicated that, if possible, he would like to close North Sixth Avenue for musician(s).

Motion to accept the West Reading Community Revitalization Foundation report. **Moved** by Ms. Kaag and seconded by Mr. Wert. **Motion carried 6-0.**

11. COMMITTEE / COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer reported that the Easter Egg Hunt was a successful event at the Pavilion this year. A request was made to approve the additional list of seasonal staff members to hire as presented in her report.

Motion to approve the hiring of the following individuals:

- Assistant Pool Manager - Andrew Stanislawczyk \$10.25/hour
- Lifeguard - Dale Belville \$8.50/hour
- Lifeguard - Isabella Belville \$8.25/hour
- Playground Leader - Emolie Bohn \$7.25/hour
- Concession Stand - Riley Dauber \$8.00/hour
- Concession Stand - Dominic Becker \$7.25/hour

Moved by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 6-0.**

Motion to accept the Recreation Director's report. **Moved** by Mrs. Bressler and seconded by Ms. Kaag. **Motion carried 6-0.**

- b. **Planning Commission** – Mr. Wert noted that the subdivision topic had been addressed under the Engineer's report and indicated that the developer plans to begin constructing the remaining nine homes along Tulpehocken Avenue within a few weeks. The committee is currently reviewing design standard recommendations within the Derck & Edson plan.

Motion to accept the Planning Commission report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- c. **Economic Development Committee** – Mr. Wert reported that the business community continues to remain strong as illustrated by a few new businesses that have recently come online. The Third & Spruce Café was recently sold to the owner of the Ugly Oyster in Reading. The new owner is making some minor renovations and plans to open soon. Mr. Woodward shared at the meeting that the Wyomissing Area School District is planning to construct six

new additions at the Wyomissing Hills Elementary School as well as expand the cafeteria at the High School. Mr. Wert noted that district growth is a good indication of community strength.

Motion to accept the Economic Development Committee report. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 6-0.**

- d. **Environmental Advisory Council** – Mr. Kaag referred to the minutes and shared plans for a Borough wide Earth Day cleanup event this Sunday, April 25th from 10:00 a.m. to 2:00 p.m. Volunteers may register and receive supplies at the Pavilion. Mr. Kaag hopes for good weather and a looks forward to working with the volunteers.

Motion to accept the Environmental Advisory Council report. **Moved** by Mr. Lincoln and seconded by Ms. Kaag. **Motion carried 6-0.**

- e. **Traffic and Infrastructure Committee** – Mr. Lincoln noted progress on the Parkview Road Pedestrian Bridge installation as noted earlier this evening under the Engineer's report. The bridge should be installed later this year. The majority of this meeting was devoted to the review of parking regulations and signage on the street. The committee is working through identifying what changes need to be made such as additional signage or changes to the ordinance. There are no specific recommendations at this time.

Motion to accept the Traffic and Infrastructure Committee report. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 6-0.**

- f. **Shade Tree Commission** – Mr. Kaag referred to the minutes and noted soil sampling from a tree box on Penn Avenue. A new pesticide is being researched to control the Spotted Lanternfly population.

Motion to accept the Shade Tree Commission report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 6-0.**

- g. **Safety Committee** – Mr. Murray referred to the report and noted plans to replace glass at the Administration and Police Secretary windows as an added safety measure. A quote has been received that is below bidding requirements. Therefore, these improvements should be completed soon.

Motion to accept the Safety Committee report. **Moved** by Mr. Kaag and seconded by Ms. Kaag. **Motion carried 6-0.**

12. TREASURER'S REPORT:

- a. **Financial Statement Ending 3/31/2021** – There were no questions or comments.

Motion to accept the Financial Statement ending 3/31/2021. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 6-0.**

- b. **Payment Approval Report 3/17/21 to 4/15/21 & 4/16/21 to 4/20/21** – There were no questions or comments.

Motion to approve the Payment Approval Reports of 3/17/21 to 4/15/21 & 4/16/21 to 4/20/21. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 6-0.**

13. PUBLIC COMMENT:

Ms. Kaag shared her love of the Borough and the community and noted her activities outside of the Borough. The recent activity within the Borough does not reflect the community as a whole. She fully believes in strengthening bonds with surrounding communities and thanked tonight's visitors for sharing their voice to facilitate movement in the right direction.

Mr. Will expressed concern about a resident and candidate for Borough Council discriminating against a business owner regarding a parking issue by enlisting the assistance of the Police Department. A better approach may have been to speak with the owner of the business to come to a resolution especially during a time when businesses are struggling through a pandemic. Mr. Will hopes these incidents will be fully investigated. Mr. Macfarlane indicated that the allegations were brought to their attention yesterday and the Solicitor's office will be using their authority to appoint someone to conduct a full and thorough investigation.

Mr. Rogers thanked Borough Council for delaying the Turnkey Tax appointment to seek a lower rate.

Ms. Shenk shared her concern as a business owner that the Borough is not hosting events. She understands the need to be safe but hopes that the Borough will host the Art on the Avenue event this year.

Mr. Rogers asked how many people were in attendance of the meeting tonight. Mr. Imbesi indicated that forty-five people had logged into the meeting tonight.

Due to sound issues Mr. Nye shared on behalf of Ms. Ebbs questions regarding documentation being provided to volunteer committee members that outlines their duties. It was confirmed that information is provided to the volunteer about their appointment. The Community Garden is run by volunteers that are appointed by the West Reading Community Revitalization Foundation. Mr. Macfarlane followed up with a reminder that all elected and appointed officials are sworn to uphold the constitution, which prohibits discrimination. Ms. Ebbs also asked if she will be notified of the investigation and who to provide evidence to by the next meeting. Mr. Macfarlane indicated that an investigator will be appointed by the next meeting and contact information will be shared.

Mr. Will asked if the volunteer would be allowed to perform their duties during the investigation. Mr. Gombach indicated that the Borough Code governs the removal of an elected or appointed official and Borough Council must operate under those parameters.

14. ADJOURNMENT: Motion to adjourn the meeting at 8:37 p.m. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary