

BOROUGH OF WEST READING – BOROUGH COUNCIL

April 15, 2014 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, April 15, 2014 with the following persons present: Vice President Philip C. Wert; Council Members Grace Craze, Carl Garman, Elizabeth L. Heckler, Deborah Hutcheson, Nathalie R. Kulesa; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Chief Code Enforcement Officer Tracey L. Levering; Public Works Director Dean E. Murray; Recreation Coordinator Helen Moyer; Borough Engineer Tom Unger; Administrative Assistant Cathy L. Hoffman. Council President James J. Gallen, Jr. and Elm Street Manager Dean L. Rohrbach were unable to attend.

<u>VISITORS:</u>	James T. Rogers	Resident
	Karen & Jim Livingood	Residents
	Ruth Cardell	Temple
	Bryce Matthews	Resident
	Audrey Schaeffer	Resident
	Oswald Herbert	Resident
	Ron Schweitzer	Resident
	Jason & Jen Witman	Residents
	Chris Lincoln	Resident
	Terry Siggins	Resident
	Tom Kupiszewski	Resident
	Tina Shenk	Property Owner
	Amber Rambo	Resident
	Robin Horman	Property Owner
	Dr. Robert Jones	Reading Health System
	Val Lacis	Reading Eagle

1. **CALL TO ORDER:** Council Vice President Phil Wert called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.

Proclamation – National Osteopathic Medicine Week

Mayor Rodriguez read a Proclamation for National Osteopathic Medicine Week (April 13 – 19, 2014) and then presented the document to Dr. Robert Jones who was in attendance.

2. **PUBLIC COMMENT:**

James T. Rogers asked for an update concerning the expenses for snow removal. Mr. Sichler said that there was one additional bill to be paid in the amount of \$400 bringing the overall total to about \$76,000. This does not include the Borough crew overtime which is difficult to determine because of the manner in which all overtime is recorded. Mr. Sichler also noted that the State has not released any 'state of emergency' funds.

Tom Kupiszewski asked that the Borough's traffic circle be named in memory of Delaney Brown. He hoped that future Christmas Tree Lighting events can be held at "Delaney Circle" which would be a fitting remembrance of her, given that her birthday was in December and she passed away in December. Mr. Wert asked that this be discussed by the Traffic Committee. Mayor Rodriguez added that there have been other suggestions made concerning a tribute to Delaney which will need to be considered.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Council meeting minutes of March 18, 2014 as amended. (The date in the title was incorrect.) **Motion carried.**

4. **ORDINANCES AND RESOLUTIONS:**

- a. Utility Billing Amendment – Mr. Sichler reviewed the changes that had been proposed at the last Council meeting and stated that the ordinance has been advertised and is ready for the vote. **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to approve Ordinance 1026. **Motion carried.**
- b. Street Sweeping – Three streets have been added to the street sweeping program. The ordinance has been advertised and is ready to be voted on. Much discussion ensued concerning when residents can park on the street again – whether they must wait until noon as posted or if it is okay as soon as the sweeper goes past. Many scenarios were discussed with nothing specifically decided. It was noted that if someone gets a ticket for parking after the sweeper goes past, they can always appeal it. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve Ordinance 1027. **Motion carried.**
- c. Handicapped Parking Space – An ordinance to add a handicapped parking space at Sycamore and Linden has been advertised. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve Ordinance 1028. **Motion carried.**

5. **UNFINISHED BUSINESS:**

- a. Belovich Development – Mr. Becker stated that the process continues with Fulton Bank with some progress being made. There are however no potential buyers for the property at this point.
- b. Blighted Property Ordinance – Per previous discussions, Mr. Becker has created a draft Blighted Property ordinance which was distributed to Council for their review. This will be discussed at the next meeting.
- c. Snow Removal Ordinance - Mr. Garman said that he integrated some of the language from Birdsboro's snow removal ordinance into the Borough's ordinance, for Council's consideration. It specifically deals with how the pavement should be treated if it cannot be completely cleared of ice and snow. Much discussion ensued regarding whether the Borough should have an ordinance at all, and the liability that is involved with this issue. Mr. Wert reminded Council that the Borough's mandate is to insure the health, safety and welfare of our residents.

It was also noted that residents have mentioned that they should not be required to have their sidewalks cleared until after the Borough has cleared their own. This would ensure that property owners would not receive a violation until 24 hours after the Borough has cleared their sidewalks.

It was determined that the proposed ordinance requires more tweaking, therefore Mr. Garman will continue to work on the revision.

- d. Reading Hospital Construction Update – Mr. Sichler said that they continue to blast and excavate at the construction site. The concrete work is expected soon.
- e. Reading Hospital Pilot Agreement – Mr. Sichler noted that the Hospital has not yet responded to the Borough's proposal. It must be presented to their Board for approval.
- f. Security Cameras – This will be discussed under the reports section.

6. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – A draft skateboard ordinance was distributed which includes information concerning the responsibilities of parents. Mr. Becker also noted that a definition for 'coaster' is still required. He added that the ordinance was originally drafted by Sgt. Phillips then edited by Chief Powell and Mr. Becker. Mayor Rodriguez acknowledged the problem that currently exists but added that criminalizing a recreational activity may be going too far. He also questioned how enforceable the ordinance would be. Much discussion ensued with particular regard to the damage that is being done to Borough facilities as well as private property and the possibility of locating a skate park in the Borough. Helen Moyer said that the possibility of locating a small skateboarding area in the Borough will be discussed at the May 6th Recreation Commission meeting and invited everyone to attend.

Mr. Becker had nothing further except to note that he required an Executive Session for personnel issues. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve the Solicitor's Report. **Motion carried.**

- b. **Engineer's Report** – There were no questions for Mr. Unger concerning his written report.

Moved by Ms. Craze and seconded by Mrs. Heckler to approve the Engineer's Report. **Motion carried.**

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

- a. **Winter Expenses** – Mr. Sichler said he had one other item to add concerning the winter expenses which concerns the salt purchased from Cargill. He noted that the salt which was purchased through a contract with the BCCPC was of inferior quality, but it was difficult to prove. The contract did include a liquidated damages clause which allowed \$100 for every day that the salt delivery was late. In some cases the delivery was two weeks late and Mr. Sichler has calculated that the total amount of liquidated damages is about \$3000. He added that he has held up payment of the last two invoices so the amount can be deducted from the payment amount. **Moved** by Mr. Garman and seconded by Mrs. Heckler to instruct the Borough Manager to recover the liquidated damages regarding the late salt deliveries. **Motion carried**
- b. **2013 Audit** – The audit documents for 2013 have been distributed to Council. Mr. Sichler said that consistent with every audit, there are some comments concerning oversight which exists because the Borough does not have enough employees to satisfy all GASBY requirements. He said that there is a list of items that requires some changes and the Borough has been working with a consultant to resolve as many of the issues as possible.

Mayor Rodriguez said that he had met with the Treasurer and Borough Manager to discuss the audit report and noted his concern with the inadequate segregation of duties throughout the Cash Receipting cycle due to the limited size of the Borough staff. He noted that this can potentially lead to fraud and would like to see changes made where possible without hiring additional personnel.

- c. GBDF – KCEZ Approval - Mr. Sichler said that a copy of the approval letter as well as the press release had been distributed. Council had previously approved entering into the application process with other municipalities and since then, DCED has approved the application. A meeting will be held soon with the Greater Berks Development Fund to get more details regarding what exactly is available. He said there may be a few programs available to businesses and developers that offer tax credits or low interest loans/grants.

Mayor Rodriguez said he wants to ensure that the Borough has some leverage as to where the funds are allocated given that West Reading's participation made the application much stronger.

Mr. Sichler said that they will learn much more at their first meeting and it was noted that it would be beneficial for Mr. Rohrbach to be in attendance at that meeting.

- d. Rental Inspections – Council had previously agreed to change the rental inspection time frame therefore the ordinance needs to be modified.

Moved by Ms. Hutcheson and seconded by Ms. Craze to direct the Borough Solicitor to draft the ordinance changes.

In favor of the motion – Ms. Craze, Mr. Garman, Ms. Hutcheson, Mr. Wert

Against the motion – Mrs. Heckler, Mrs. Kulesa

Motion carried.

- e. Road Runs - Mr. Sichler said that he and Chief Powell had met with a group who would like to do a run through the Borough. He noted that in preparation for the event Public Works crew members incur overtime and during the event, a large number of officers are required to man the intersections. The overall cost is about \$7000 - \$7500 therefore Council needs to approve these events. It was agreed that the Borough cannot be responsible for all of the costs associated with a run therefore Mr. Sichler will relay this information to the organizers.
- f. Shade Tree Commission – At the last Council meeting, Mr. Schweitzer volunteered to sit on the Commission. Mr. Sichler noted that the Commission is comprised of three residents which currently includes Mr. Sichler as a resident and Borough Manager. He said he would still continue to attend as the Borough representative if Mr. Schweitzer is appointed. **Moved** by Ms. Craze and seconded by Mrs. Heckler to appoint Ron Schweitzer to the Shade Tree Commission.
Motion carried.
- g. Letter of Interest – Terry Siggins has submitted a letter of interest concerning the Mayor's Advisory Committee. This will be considered as part of the Mayor's Report.
- h. Borough Crew Contract – The final version of the Teamster's contract has been distributed which incorporates the language changes as amended from the last contract. Mr. Sichler said that crew members will be using Borough phones to respond to emails as well as accessing the internet for timesheets. As a result, the phone allowance has been increased to \$50 per month. Council was asked to submit any questions/concerns prior to the contract being signed on April 21st.
- i. Police Contract - Arbitration – Mr. Sichler said that a copy of the Police contract arbitration award was distributed and noted that it is retroactive to January 1st, 2014.

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Borough Manager's Report.

Motion carried.

7. **MAYOR'S REPORT:**

Mayor Valentin Rodriguez noted the following:

- Mr. Siggins has submitted a letter of interest to be a member of the Mayor's Advisory Committee. It was noted that there currently are no residents on the Committee. **Moved** by Mrs. Heckler and seconded by Ms. Craze to appoint Mr. Siggins to the Committee. **Motion carried.** It was suggested that a second resident should be appointed to keep an odd number of members. After some discussion, it was suggested by Carl Garman that a business owner be included and Tina Shenk, who was in attendance was asked if she had any interest in this Committee. **Moved** by Ms. Craze and seconded by Mrs. Heckler to appoint Tina Shenk to the Mayor's Advisory Committee. **Motion carried.**
- The West Reading Community Revitalization Foundation minutes of April 14th were distributed. Mayor Rodriguez said that at that meeting, it was recommended that resident Andrew Moletress be appointed to the West Reading Community Revitalization Foundation. It was also noted that two candidates were interviewed and Mr. Moletress was deemed an ideal candidate to eventually take the position of Treasurer because of his experience as noted in his résumé. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to appoint Andrew Moletress to the West Reading Community Revitalization Foundation. **Motion carried.**

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

8. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering referred to her written report which includes her request for guidance concerning the marking of curbs and sidewalks for replacement. It was noted that a moratorium on curb and sidewalk replacement was placed in 2004, then revisited and lifted in 2011. The Codes Department is preparing to mark sidewalks and Mrs. Levering noted that this will be a financial burden to some property owners, therefore she asked for Council's guidance.

Mr. Wert noted that notices were to be sent to property owners in advance stating that they were required to complete the repairs within two years however this has not yet been done.

Mayor Rodriguez said that because property lines usually end at the curb, he would like Council to consider making the curb the Borough's responsibility. Mr. Garman agreed that the curb is open to damage by plows and other vehicles. He also said that it is possible that some residents may be able to replace the sidewalk by themselves however replacing a curb must be done professionally.

Mrs. Heckler recommended that a Mayor's Advisory Committee meeting be held so this can be discussed further. Mayor Rodriguez said that he would call a meeting as soon as he is able and this item will be on the agenda.

Mr. Siggins said that he has concerns about this issue and noted that he has done a great deal of research into what other communities do. He noted some examples of how it can be dealt with – a 50/50 program where the municipality shares the cost; have the Borough do the work and bill the resident through their utility bill. He said that he has received cost estimates between \$5000 and \$11,000 to replace his corner lot sidewalks.

Also discussed were:

- Sidewalk cafes – Mrs. Levering explained the various requirements for sidewalk cafés per

Mr. Garman's questions.

- Signage for Baldwin Brass – Mrs. Levering updated Mr. Garman concerning the progress of the Planning Commission.
- Emergency permits – Mrs. Levering said that allowances are made in these situations, although inspections and permits are still required.

Mr. Becker also stated that Mrs. Levering had contacted him concerning the interpretation of sidewalk cafes, specifically with regard to outdoor dining in locations other than the sidewalk. Mrs. Levering said that it should be referred to as "outdoor dining". Clarification is needed to ensure that hours of operation, music regulations etc. are specified for all outdoor situations. Currently, the porch is considered to be part of the structure and doesn't fall under any other regulations. Mrs. Levering said that she is also researching with PLCB concerning their permit requirements. She noted that some controls have been added over the years to protect the residential neighborhoods however there are more loopholes that need to be considered.

Tina Shenk asked about sidewalk sales during the Sunday Farmers' Market and Mrs. Levering said that sidewalk sales are only permitted during specific circumstances as designated by the Mayor. Much discussion ensued regarding the Farmers' Market, noting that the market is a 'producers only' market which precludes other businesses from selling outside during that time frame. Ms. Shenk asked if this can be changed to allow outside sales during the Farmers' Markets, which Mr. Garman felt was a reasonable request. Mr. Wert noted that West Reading's market is unique in that it is for producers only and to change it would require discussions with the market manager, Becca Keller. Robin Horman noted that the Farmers' Market website does advertise all of the other businesses that are open on Sunday. Mr. Wert said that the market brings hundreds of shoppers to the area which is of benefit to all of the businesses on Penn Avenue. He also noted that this should be discussed with the Market manager and the Foundation.

Moved by Mrs. Heckler and seconded by Ms. Craze to approve the Code Enforcement Officer's Report. **Motion carried.**

b. Police Department – Chief Powell noted the following as part of his report:

- Chief Powell, Mayor Rodriguez, Mr. Garman and Mr. Sichler visited the City of Reading to check out their camera system which is much more involved than the Borough's will be. Chief Powell noted that depending on the budget, good cameras can be obtained for Penn Avenue from 4th to 7th with the intention of expanding the system in future. Equipment has been discussed with a consultant and the locations have been determined so all that remains is the amount of funding to be received from the Wyomissing Foundation. It was also noted that there are a variety of security safeguards that can be put in place to ensure that unauthorized activity does not occur.
- The handicapped parking space on Tulpehocken Avenue is still in use by the resident therefore it cannot be removed.
- This month's report has included the quarterly statistics in addition to the regular monthly data.
- The oral test for the Sergeant's exam will be conducted on April 26th for the four candidates.
- Jason Witman was introduced as the new Parking Enforcement Officer, who began working for the Borough on March 31st.

Moved by Mr. Garman and seconded by Mrs. Heckler to approve the Police Department Report.
Motion carried.

- c. Public Works – Mr. Murray referred to his written report. Mr. Sichler added that each year the Borough hires workers for the crew and this year they wish to bring back Nathan Hertzog (2nd year) and Daniel Weaver (3rd year). A third candidate will be brought forward at the next Council meeting. **Moved** by Ms. Craze and seconded by Mrs. Heckler to hire Nathan Hertzog at \$7.50 per hour and Daniel Weaver at \$8.00 per hour. **Motion carried.** It was noted that they will begin after the Memorial Day weekend.

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Public Works Director's Report. **Motion carried.**

- d. Fire Department – There were no questions for Chief Burkholder concerning his written report.

Moved by Mrs. Heckler and seconded by Mr. Garman to approve the Fire Chief's Report.
Motion carried.

- e. Elm Street – Mr. Rohrbach was not in attendance therefore the Neighborhood Advisory Committee minutes were tabled until the next meeting. It was noted however that Earth Day was being observed on Saturday, April 19th beginning at 8:00 a.m. at the Community Garden.

9. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Helen Moyer referred to her minutes and noted that there were two action items:

- Four additional lifeguards require approval for hiring. Mrs. Moyer indicated that this will bring her total to 28 which will adequately see them through to the end of the season. She also explained the necessity of having sufficient lifeguards – to cover any vacations that staff may be taking, and to cover shift rotations.
- An appointment to the Commission is requested – resident Casey Tharp.

Moved by Ms. Craze and seconded by Mrs. Kulesa to hire the additional four lifeguards: Haley Cantner \$7.25; Mathilda Zachlicki \$7.25; Corinne Rhoads \$7.25; and Ivan Vivar \$8.00/hr.
Motion carried.

Moved by Mr. Garman and seconded by Mrs. Heckler to appoint Casey Tharp to the Recreation Commission. **Motion carried.**

Moved by Mrs. Heckler and seconded by Ms. Hutcheson to approve the Recreation Commission minutes. **Motion carried.**

- b. Planning Commission – Mr. Wert spoke about the short meeting that was held on April 2nd. He said that the Commission has again recommended to Council the final proposed revisions of the Zoning Ordinance, which are minor in nature. **Moved** by Ms. Craze and seconded by Ms. Hutcheson to authorize the Borough Manager and Solicitor to move forward with the proper advertising of the Public Hearing and notice of the ordinance for enactment, contingent upon the Solicitor's final review. **Motion carried.**

Mr. Wert also noted that the Commission has been looking at the Subdivision and Land Development Ordinance and would like to update the document which was last amended in 1993. Funds may be available toward the end of the year to begin the review.

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Planning Commission Report. **Motion carried.**

- c. Safety Committee – There were no questions concerning the Safety Committee minutes.

Moved by Ms. Craze and seconded by Ms. Hutcheson to approve the Safety Committee Report. **Motion carried.**

- d. Economic Development Committee – Ms. Hutcheson noted that the Committee had met the previous evening therefore the minutes were not yet available. The one action item concerned the composition of the Committee which is currently at eight members. It was recommended that Christin Kelley, who is already a member of the Planning Commission, be appointed. **Moved** by Ms. Craze and seconded by Ms. Hutcheson to appoint Christin Kelley to the Committee. **Motion carried.**

The approval of the minutes will be tabled to the next meeting.

- f. Environmental Advisory Commission – Mr. Wert referred to the written minutes. Mr. Sichler noted that EAC member Meridyth Cutler has left the Borough therefore there is a vacancy. Amber Rambo, a previous member who was in attendance said she would like to be part of the group again. **Moved** by Ms. Hutcheson and seconded Mrs. Heckler to appoint Amber Rambo to the Environmental Advisory Council. **Motion carried.**

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

10. **TREASURER'S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve the Revenues with Comparison to Budget Report for the 3 months ending 3/31/2014. **Motion carried.**
- b. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve Payment Approval Report for 3/19/2014 – 4/10/2014 and 4/11/2014 – 4/15/2014. **Motion carried.**

11. **PUBLIC COMMENT:**

Amber Rambo had several points:

- Asked if the Hospital will be compensating the Borough for the wear and tear to the Borough streets as part of the construction project and Mr. Sichler said that this issue has been raised and will be discussed further. It was noted that blasting will continue for another six months.
- Spoke about the 200' of curbing and sidewalk along her property, and noted that the necessary repairs will probably cost \$10,000 which will probably take several years to complete.
- Commented about trash cans and lids not being used throughout her neighborhood.
- Asked for specifics about the skateboard ordinance. Mr. Becker noted that the ordinance will impose restrictions for use of skateboards within the Borough, specifically that skateboards may not be ridden on sidewalks or streets. Fines will also be set for violators. Ms. Rambo was concerned that her 8 year old son won't be able to skateboard on her sidewalk and it was noted that the document is a draft at this point.

Jim Rogers asked for an update on the Buttonwood Bridge project and its impact on the Borough. Mr. Sichler said that a final plan has not been provided as yet. Ms. Craze suggested that instead of tractor trailers turning left onto 5th Avenue, they could turn right on Tulpehocken and go around the traffic circle. Chief Powell said that there could be an issue at peak traffic hours and Mayor Rodriguez said he has contacted R.M. Palmer to attend the next meeting to discuss their truck traffic. Mr. Rogers

also spoke about the proposed loss of parking on 4th Avenue between Penn and Cherry.

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:37 p.m. to discuss personnel. When the meeting reconvened at 11:16 p.m., the following actions were taken:

Moved by Mrs. Heckler and seconded by Ms. Craze to re-advertise for a part-time Police Administrative Aid.

In favor of the motion: Ms. Craze, Mrs. Heckler, Ms. Hutcheson, Mr. Wert

Against the motion: Mrs. Kulesa, Mr. Garman

Motion carried.

Mr. Wert noted an item that had been missed as part of the Recreation Commission report. It was recommended that residents/members/non-residents be permitted to train at the pool between 9:00 a.m. and 11:00 a.m. at a rate of \$5.00 per day. Ms. Moyer noted that a separate application form would be required for this use.

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve the Recreation Commission request that residents/non residents be allowed to train at the pool for a fee of \$5.00 per day. **Motion carried.**

In favor of the motion: Ms. Craze, Ms. Hutcheson, Mr. Wert, Mrs. Kulesa, Mr. Garman

Against the motion: Mrs. Heckler

Motion carried.

13. **ADJOURNMENT:**

Moved by Ms. Craze and seconded by Ms. Hutcheson to adjourn the meeting at 11:20 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant