

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

January 18, 2022 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, January 18, 2022 with the following persons present: Council President Ryan Lineaweaver; Council Vice President Philip Wert; Council Pro-Tem Christopher Lincoln; Council Members Jennifer Bressler, Patrick Kaag, Denise Drobnick, and Zachary Shaver; Mayor Samantha Kaag; Solicitor Daniel Becker; Officer-in-Charge Ryan Phillips; Recreation Director Christine Boud (via Zoom); Fire Chief Chad Moyer (via Zoom); Code Department Manager Cathy Hoffman; Engineer Tom Unger (via Zoom); Borough Manager Dean Murray; Public Works Team Leader Kerry Grassley; Treasurer Jeanette Rentschler; Main Street Manager Mark Ratcliffe (via Zoom); Sergeant Wayne Holben, Police Officer Nicholas Karetas (via Zoom), Brandon Breitenstein, Jesse Stock and Edward DeLozier; and Borough Secretary Cynthia Madeira.

VISITORS:

James Rogers, Resident	Karen Livingood, Resident (via Zoom)
Terry Siggins, Resident	Kristin Hawley, Resident
Colleen English, Resident	Melissa Heckler, Visitor
Michele Calderon, Visitor	Linda Calderon, Visitor
Amanda Houck, Visitor	Samuel Harter, Tompkins Insurance

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 7:09 p.m., which was followed by the Pledge of Allegiance and Roll Call. Mr. Lineaweaver apologized for the late start noting that Executive Session ran longer than anticipated.
2. **PRESENTATIONS:**
 - a. **Police Award Ceremony:** Sergeant Phillips noted that three awards were planned for this evening, however two officers were unable to attend. Sergeant Holben was requested to present an award to Officer Breitenstein. The Department Commendation recapped an incident that occurred last year where Officer Breitenstein and K9 Zea assisted with a search of a fleeing suspect and K9 Zea locating and securing two firearms that were hidden in a bush near a neighborhood in West Reading Borough. By locating and securing these firearms quickly the K9 Team assisted with the investigation and prevented potential harm to members of the West Reading Community.

Sergeant Wayne Holben and Officers Brandon Breitenstein, Jesse Stock and Edward DeLozier departed the meeting at 7:13 p.m.

- b. **Elizabeth L. Heckler Commendation:** Mayor Kaag felt that it would be more appropriate for Mr. Wert to present the Commendation to Mrs. Heckler's family members. Mr. Wert read the Commendation aloud that recognized the late Mrs. Heckler's service to the community as a Borough Council Member from 2010 through 2015 and as a member of the Recreation Commission from 2008 through 2015. Mrs. Heckler demonstrated an unwavering commitment towards her lifelong community and was recognized for her outstanding contribution to the Borough of West Reading. The Commendation and Borough Council name plate were presented to members of Mrs. Heckler's family that were in attendance.

- c. **Terry L. Siggins Commendation:** Mr. Wert read the Commendation aloud that recognized Mr. Siggins' twenty-six years of service as a member of the Planning Commission. Mr. Siggins has demonstrated an unwavering commitment to the development of zoning regulations and land use planning and has exemplified outstanding community service with honesty and integrity to the residents and taxpayers of the Borough of West Reading.
- d. **Tompkins Insurance Policy Renewal:** Mr. Harter thanked Borough Council for their continued confidence in Tompkins Insurance Agency noting their ability to work with a number of insurance carriers to find the right coverage at the right price. The achievement Mr. Harter is most proud of is that Tompkins Insurance has been ranked among the top 100 Commercial Insurance Brokers in the nation. It was noted that in 2016 Tompkins helped develop, at no cost to the Borough, an employee handbook. Also, in 2020 Tompkins helped to reevaluate policies that pertained to longevity, health insurance, holidays, personal days, employee conduct and disciplinary action, social media, telecommuting work from home, conflict resolution, performance management, and salary review. It was noted that Tompkins has assisted the Borough through thirty-nine property/liability claims and close to one-hundred workers' compensation claims. Tompkins was instrumental in their relationship with the insurance carriers to ensure these claims were handled efficiently and with fair settlements.

A coverage analysis was provided illustrating the current expiring policy with Selective Insurance, a renewal quote from Selective Insurance, and quotes from Trident and Travelers Insurance Agencies. Travelers Insurance total annual cost of \$112,712 was the lowest cost option, roughly \$20,000 less than Selective Insurance's 2021 policy. It was recommended to add a cyber liability policy at a cost of \$4,465 that would protect first and third parties. It was recommended to select the Travelers policy and Hiscox Cyber Liability policy for 2022 coverages.

A motion was made to amend the agenda to include a potential vote on insurance coverages. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 7-0.**

Motion to select the Travelers Insurance Policy and the Cyber Insurance Policy underwritten by Hiscox. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

3. **PUBLIC COMMENT:**

There were no public comments.

4. **APPROVAL OF COUNCIL MINUTES:**

Motion to approve the December 28, 2021 regular meeting minutes, and the January 3, 2022 reorganization meeting minutes. **Moved** by Mrs. Bressler and seconded by Mr. Shaver. **Motion carried 7-0.**

5. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance 1146 Animal Amendment** – This amendment would prohibit tethering as a means of restraint and has been advertised.

Motion to adopt an amendment to the Animal Ordinance to prohibit tethering domestic animals as a means of restraint. **Moved** by Mr. Lincoln and seconded by Ms. Drobnick. **Motion carried 7-0.**

This information will be shared with the Code Department and Police Department for enforcement purposes and added to the newsletter and utility billing note section to educate residents to this change in regulation.

- b. **Ordinance - Zoning Amendment** – Mr. Wert noted a number of items the Planning Commission is currently reviewing and the desire to move items along such as changes that promote mixed-use development, the addition of a definition for convenience store and designating this use in the Light Industrial and General Business Districts, and adding a General Business Overlay to the five Institutional District properties located immediately adjacent to the traffic circle to promote additional uses for these parcels.

Motion to authorize the advertisement of an amendment to the Zoning Ordinance to revise regulations governing mixed-use development, supplements to the defined terms, and the addition to General Business Overlay District parcels. **Moved** by Mr. Shaver and seconded by Mrs. Bressler. **Motion carried 7-0.**

- c. **Resolution 2022-2 Civil Service Commission Rules and Regulations Amendment** – It was unclear as to who initiated an amendment to the rules and regulations. Additional time was needed to review the proposed changes.

Motion to authorize the solicitor to review the proposed Civil Service Commission amendment to the rules and regulations. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

6. **CONSULTANT'S REPORT:**

- a. **Solicitor's Report** – Mr. Becker stated that he had nothing new to report that is not otherwise covered on the agenda.
- b. **Engineer's Report** – Mr. Unger noted that Wexcon, Inc. is in the final stages of the 2021 Sewer Replacement Project on Linden Lane. They are currently addressing a punch list of items.

The 2021 Sanitary Sewer Inspection Project that was awarded to Sewer Specialty Services Company, Inc. is roughly eighty percent complete. Payment Application No. 1 has been received in the amount of \$36,757.00.

Motion to approve Payment Application No. 1 in the amount of \$36,757.00 to Sewer Specialty Services Company, Inc. for the 2021 Sanitary Sewer Inspection Project. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

Motion to accept the Engineer's report. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 7-0.**

- 7. **EXECUTIVE SESSION:** Mr. Lineaweaver noted an executive session that was held tonight beginning at 6:00 p.m. to discuss personnel and potential litigation matters. There is an action item to bring forward regarding personnel.

Motion to amend the agenda to include a vote to advertise employment opportunities. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 7-0.**

Motion to authorize the advertisement of two full-time Parking Enforcement Officer positions. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 7-0.**

8. **COUNCIL PRESIDENT'S REPORT:** Mr. Lineaweaver reported that he is thrilled to be here in person today and thanked everyone for entrusting him to lead as Council President.

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

- a. **Certification of Unpaid 2021 Tax Bills** – Mr. Murray requested authorization to execute the Berks County Tax Claim Bureau Certification of Unpaid 2021 Regular and Interim Tax Bills.

Motion to authorize the Borough Manager to execute the Certification of Unpaid 2021 Tax Bills to facilitate Berks County Tax Claim Bureau to collect levied taxes that remain unpaid. **Moved** by Mr. Wert and seconded by Ms. Drobnick. **Motion carried 7-0.**

- b. **Letter of Resignation** – Mr. Murray requested acceptance of Terry Siggins letter of resignation from the Planning Commission.

Motion to regrettably accept Terry Siggins letter of resignation from the Planning Commission. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 7-0.**

- c. **Landfill Service Proposals** – Mr. Murray noted receipt of two one-year landfill proposals.

Motion to accept the Landfill Service Proposals received on Friday, January 14, 2022. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

Motion to award the low bid and enter into an agreement for Landfill Services with Berks Transfer. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 7-0.**

Mr. Lineaweaver noted that Berks Transfer's price per ton is \$10 less than the previous contract and the disposal location is in close proximity to the hauler's facilities.

Motion to authorize the solicitor to create an addendum to the current trash hauler contract to designate Berks Transfer as the disposal facility. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 7-0.**

- d. **Authorized Bank Signatory** – Mr. Murray requested permission to add the Assistant Treasurer as an emergency bank signatory.

Motion to approve the addition of the Assistant Treasurer, Helen Moyer as an emergency bank signatory. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 7-0.**

- e. **Finance Committee Appointment** – Mr. Murray shared Robert Lockyer's interest to rejoin the Finance Committee.

Motion to appoint Robert Lockyer to the Finance Committee for a one-year term ending December 31, 2022. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

Motion to accept the Borough Manager's report. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 7-0.**

10. **MAYOR'S REPORT:** Mayor Kaag read her report noting the following:

- **Thank You** – Mayor Kaag thanked everyone for allowing her the opportunity to serve West Reading Borough as Mayor, noting that it was an equal honor to serve on Borough Council.

She looks forward to continuing her work with the residents, business owners, and communities around us.

- **Police Department** – Mayor Kaag expressed her gratefulness to work with the men and women of the West Reading Police Department and noted her intent to meet with the department once covid has calmed down to help/guide/support the department wherever she can. She is also proud of the continued recognition from within the department and looks forward to seeing this positivity grow.
- **Volunteer Commendations** – Mayor Kaag was honored to be able to commend Elizabeth Heckler and Terry Siggins for their work and dedication to the Borough. A moment of silence was requested in honor of Mrs. Heckler.
- **West Reading Restaurant Week** – It was noted that this week is the start of Restaurant Week where the following businesses will be offering a three-course meal for \$30:
 - Say Cheese
 - Mom Chaffee's
 - West Reading Tavern
 - 3rd & Spruce Drafthaus
 - Chatty Monks Brewing Company
 - Slyfox
 - Beer Wall on Penn
 - Winedown
 - Barley Mow

Motion to accept the Mayor's report. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 7-0.**

11. DEPARTMENT REPORTS:

- a. **Police Department** – Officer-in-Charge Ryan Phillips noted an action item and requested permission to order three budgeted replacement vehicles through a lease program from Koch 33, a Costars approved business. The lease quote includes the outfitting of these vehicles, and the three-year, four payment lease option was requested. It was noted that the total purchase price is below the budgeted amount, and that vehicles 38-5, 38-1, and the criminal investigators vehicle would be replaced.

Motion to approve the budgeted replacement of vehicles 38-5, 38-1, and the criminal investigator vehicle through a three-year, four payment lease program from Koch 33. **Moved** by Mr. Wert and seconded by Mr. Shaver. **Motion carried 7-0.**

Motion to accept the Police Department report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

- b. **Public Works Department** - Mr. Grassley offered to answer questions regarding his report and noted two mishaps that happened earlier today with the sewer project. The contractor clipped water lines while backfilling the lines to 317 and 319 Linden Lane at roughly 8:00 a.m. and 4:00 p.m. respectively. This project should be completed later this week with the exception of paving. Curb repairs were completed today and some of the equipment has been removed from the vicinity.

Mayor Kaag thanked Mr. Grassley and the Public Works Members for their recent efforts to remove snow and ice from the roadways, and recognized the middle of the night hours that takes time away from their families.

Mrs. Bressler noted her travel back to the Borough during the storm and that West Reading roadways were the only roadways that had been plowed.

Motion to accept the Public Works Department report. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 7-0.**

- c. **Fire Department** – Chief Moyer offered to answer any requestions regarding his report and noted that the new ladder truck is scheduled to be delivered in June or July of this year.

Motion to accept the Fire Department report. **Moved** by Mr. Lincoln and seconded by Mr. Shaver. **Motion carried 7-0.**

- d. **Code Department** – Mrs. Hoffman offered to answer questions regarding her report noting that the time limit to clear sidewalks of snow and ice from the recent storm would be enforced tomorrow morning.

Motion to accept the Code Department report. **Moved** by Mr. Kaag and seconded by Mr. Wert. **Motion carried 7-0.**

- e. **West Reading Community Revitalization Foundation** – Mr. Ratcliffe thanked the Mayor for attending the recent ribbon cutting ceremony and for the shout-out regarding restaurant week. Approvals of event dates for road closures will be requested during next week's meeting.

Motion to accept the West Reading Community Revitalization Foundation report. **Moved** by Ms. Drobnick and seconded by Mr. Lincoln. **Motion carried 7-0.**

12. COMMITTEE / COMMISSION REPORTS:

- a. **Recreation Commission** – Ms. Boud requested consideration to be given to the appointment of board members. Ms. Drobnick noted that two of the three members whose terms expired last year have requested to be reappointed, Colleen English and Kristin Hawley. Nathalie Kulesa has withdrawn her request to be reappointed, however she indicated that she would like to continue to volunteer her time towards events in the future. Ms. Drobnick recommended the appointment of Heather Jagielski whom is one of the three interested candidates for the one open seat. Ms. Jagielski has extensive experience with swimming pools, including swim team coaching, and she was an enthusiastic participant of the last Recreation Commission meeting.

Motion to approve the reappointment of Colleen English and Kristin Hawley and the appointment of Heather Jagielski to the Recreation Commission. **Moved** by Mr. Shaver and seconded by Mr. Wert. **Motion carried 7-0.**

Mr. Murray noted that Mr. Grassley and Mr. Moyer have departed the meeting to address a water main break on Olive Street.

Motion to accept the Recreation Director's report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

- b. **Planning Commission** – Mr. Wert noted the continued review of amendments to the zoning ordinance, including the current discussion of front yard setback issues along Penn Avenue.

Rental Occupancy Ordinance amendment discussions are resuming while being mindful of the aspects that are currently under constitutional or legal review.

Motion to accept the Planning Commission report. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 7-0.**

- c. **Economic Development Committee** – Mr. Wert noted the welcoming of the newest member to the board, Jack Gombach. The new townhome construction along Tulpehocken Avenue should be completed by the end of February. The developer intends to retain ownership of these nine units while offering them for rent. The Nitro Bar plans to reopen in February, this establishment has been closed since the beginning of the pandemic. The same owner is finishing construction of a Cheese Shop in the unit adjacent to Say Cheese. A Noodl restaurant intends to open in the new building located at 428 Penn Avenue. Gem on Penn is relocating to a larger location within the 600 block of Penn Avenue. The WRCRF unit at 22 N. Sixth Avenue has a first-floor tenant named Trish's Specialty Cheesecakes. Takkii plans to open a noodle establishment at 36 N. Sixth Avenue. A coffee shop is slated to open soon at 10 S. Fifth Avenue. Tony's Al Taglio has changed the business name to Tony's of West Reading because he is dedicated to our community. A façade program is being developed with the assistance of design standard recommendations from Derck and Edson.

Motion to accept the Economic Development Committee report. **Moved** by Ms. Drobnick and seconded by Mr. Lincoln. **Motion carried 7-0.**

- d. **Environmental Advisory Council** – the December Environmental Advisory Council meeting was cancelled.
- e. **Traffic and Infrastructure Committee** – Mr. Lincoln noted the continued review of various parking ordinance sections to determine that what is in the ordinance lines up with what is on the street. The section pertaining to parking prohibited at certain hours was reviewed with a recommendation to Council. This recommendation will be presented at a later date along with stop intersection recommendations.

Motion to accept the Traffic and Infrastructure Committee report. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

- f. **Shade Tree Commission** – The January Shade Tree Commission meeting was cancelled.
- g. **Safety Committee** – The December Safety Committee meeting was cancelled.

13. **TREASURER'S REPORT:**

- a. **Financial Statement Ending 12/30/2021** – Mrs. Rentschler called attention to page twenty-two of this report that lists net revenue over expenditures for the year 2021. A deficit had been budgeted totaling \$236,225, the year ended with a surplus of \$284,383, which is roughly \$520,608 better than what had been budgeted. Mr. Wert thanked the former manager, Mr. Imbesi, Mrs. Rentschler and Paul Janssen for their efforts in getting us on the right track. He noted that services continued to be provided during 2021 such as snow removal, road paving, sewer improvement projects, and raises provided to staff members and we still have funds available at the end of the year.

- b. **Payment Approval Report 12/29/21 to 1/14/22 & 1/15/22 to 1/18/22** – There were no questions or comments.

Motion to approve the Financial Statement ending 12/31/2021, and the Payment Approval Reports of 12/29/21 to 1/14/22 & 1/15/22 to 1/18/22. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 7-0.**

14. **NOISE NUISANCE:**

Mr. Wert requested permission to discuss noise disruptions from the City of Reading.

Motion to amend the agenda to include a discussion on noise nuisances. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 7-0.**

Mr. Wert shared a letter he drafted regarding Reading Noise Disruptions in an attempt to engage the City on the two-year long intermittent noise nuisance that continues to go unenforced. He stated that recommendations to remedy the issue were not included in the letter because he felt it was not our purview to instruct the City on how to handle this nuisance. Review and comments of this letter was requested for further discussion next week. Mr. Becker indicated that the letter was factually based and thought that all of Council and the Mayor could sign the letter indicating their endorsement. The goal is to do what is best for the quality of life of West Reading residents.

15. **ZONING HEARING BOARD SOLICITOR**

Appointment of a Zoning Hearing Board Solicitor was discussed. Zoning Hearing Board Members have provided feedback as to their thoughts of the current solicitor and the history of their participation in the selection process. Ms. Drobnick noted as a previous member of the board that Mr. Ulrich was a tremendous help to the board. The additional costs associated with the current solicitor could be a result of better communications, and it was thought that the Zoning Hearing Board should have as much information as possible to make informed decisions. Mr. Lincoln noted his attendance to a hearing last year and his opinion that Mr. Ulrich's interaction with the audience had been unprofessional at times, it was also noted that they were experiencing virtual meeting complications. Based on the Zoning Hearing Boards desire to retain Mr. Ulrich's services, Mr. Ulrich will be requested to consider reappointment.

16. **PUBLIC COMMENT:**

Mr. Rogers noted his December comment regarding the Art on the Avenue and Fall Festival food expenditures and a charge made by Public Works staff at Georgio's that included a \$25 tip. At that time Mr. Grassley indicated that this claim had been inaccurate. Following further review of the receipt Mr. Rogers realized that the charge was made by the former Police Chief for the police department. He recommended that the Finance Committee review actions such as these that appear to be taken for granted.

Mr. Rogers noted an expenditure last year of \$70,000 to the WRCRF without an agreement in place. He noted that they do a good job and could be given more funds if there was an agreement in place.

Mr. Rogers noted a reference within the December 9, 2021 special meeting minutes where a Police Officer's wife addressed Council insinuating that there is a morale problem within the department. Mr. Rogers recalled a time in the past when Officer Joe Brown came to Council warning them of a morale issue. Ultimately, a claim had been reported to the District Attorney's

office, which sparked an investigation. He hopes with new Council that this can be addressed to avoid a similar situation.

17. **ADJOURNMENT:** Motion to adjourn the meeting at 9:13 p.m. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary