

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

January 24, 2023 – 7:00 p.m.

West Reading Borough Council held its second monthly meeting at Borough Hall on Tuesday, January 24, 2023, 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 (via Zoom); Mayor Samantha Kaag; Solicitor Colin Macfarlane; Zoning Officer Cathy Hoffman; Borough Manager Dean Murray; and Borough Secretary Cynthia Madeira.

VISITORS:

Karen Livingood, Resident (via Zoom)
James Rogers, Resident

John Harvey, Resident

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 7:04 p.m., which was followed by the Pledge of Allegiance and Roll Call.
2. **EXECUTIVE SESSION:**
Mr. Lineaweaver noted an executive session that was held today at 6:30 p.m. to discuss personnel matters.
3. **AGENDA AMENDMENTS:**
There were no amendments to the agenda.
4. **PUBLIC COMMENT:**
Mr. Rogers urged Borough Council to make a recommendation to Berkheimer Tax Innovations to review and enforce five years of unpaid Business Privilege Taxes as opposed to the proposed three years. He noted his pleasure of interacting with Mrs. Beltran del-Rio in the Code Department to identify property owners that are delinquent in their Business Privilege Licensing and Taxes. Mr. Rogers spoke of his interaction with a representative of Berkheimer Tax Innovations noting 786 delinquency inquiries, and the representative indicated that this would take considerable time to research, and they are doing just that.
5. **BOROUGH MANAGER'S REPORT:**
 - a. **Code Enforcement Officer Position** – Mr. Lineaweaver requested consideration to make a conditional offer of full-time employment to an individual to fill this position.

Motion to provide a conditional offer of full-time employment to an individual to fill the Code Enforcement Officer position. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 7-0.**
 - b. **Barta Transit Services** – Mr. Murray noted an opportunity to meet with the South Central Transit Authority to provide feedback on future bus and paratransit services. There were no comments or recommendations.

Motion to authorize the Borough Manager to attend a Barta Transit Services meeting. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 7-0.**
 - b. **Finance Committee** – Mr. Murray noted receipt of a letter of interest from Mr. Harvey in becoming a member of the Finance Committee. It was noted that the one previous resident

member has declined reappointment to this committee at this time. Therefore, a quorum of four cannot be met until another interested volunteer comes forward.

Motion to appoint John Harvey to the Finance Committee with a term to expire on December 31, 2023. **Moved** by Mrs. Bressler and seconded by Ms. Drobnick. **Motion carried 7-0.**

- c. **Baseball Field Lease Agreement** – Mr. Murray requested consideration to enter into a lease agreement to allow the Wyomissing Area School District to use the baseball field for their Junior High School Baseball Team program. Revised terms included a cost of \$100 per game which included weekday use of the property for three practices per week, and clarification of maintenance duties for both parties.

Motion to enter into a lease agreement with the Wyomissing Area School District for use of the baseball field. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 7-0.**

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

6. POLITICAL SIGN REGULATIONS:

Mr. Macfarlane provided a background noting that the first amendment prevents the government from abridging freedom of speech. The government does have the ability to regulate some speech at certain times. The types of speech are classified as commercial, political, and conduct. The locations for speech are classified as public forums such as a park or public sidewalk, non-traditional public forums such as a school or airport terminal and designated public forums such as a municipal authority or advertising space. The highest form of protected speech is political speech that occurs on a public forum or private property. In these situations, the government may only enact regulations that are content neutral. Content neutral regulations may only seek to regulate the time, place, and manner of speech. Mr. Macfarlane noted that federal courts almost always determine that regulations placed on public forum or private property are not content neutral. The Supreme Court of the United States uses a strict scrutiny analysis that must be narrowly tailored to suit a compelling government interest. In most instances the government is regulating for the general welfare of the population and does have the power to enact regulations on government owned properties and rights-of-way. The two key factors are that political speech cannot be regulated more stringently than commercial, and even when it is assumed that the speeches are regulated equally almost any regulation curtailing political speech in a traditional public forum or private property is considered unconstitutional and unlawful because it is not content neutral.

Amendments to the current signage regulations were recommended. It was noted that current regulations allow larger commercial type signs than what is permitted for political signs.

In Mr. Macfarlane's opinion, if the proposed banner sign fundraising program would allow advertisements to be attached to recreation facility fencing this would limit the Borough's ability to regulate sign content on this public forum.

All temporary signs could continue to be prohibited in right-of-way planting strip areas. It was noted that the state prohibits signage along state highways, yet PennDOT chooses not to enforce this regulation.

Section 455-160 C. (4) prohibits sign placement within 20 feet of any intersection to avoid the interference or the effectiveness of a traffic signal. Mr. Macfarlane indicated that provisions would be required to apply to all forms of signage.

Section 455-160 C. (5) was recalled by Mr. Wert to be established a few years ago as the least stringent temporary sign placement time limit. Mr. Macfarlane indicated that these regulations could be retained if they applied to all types of temporary signage. However, it was noted that almost all forms of regulations on ideological messages upon private property are considered unconstitutional.

It was thought that regulations could be legally established to require signage to be in good repair to maintain the aesthetics of the community. The differentiating factor between temporary versus permanent signage was the permanency of the connection to the ground. The advertisements that are placed within the bus shelters along Penn Avenue, that are owned by the West Reading Community Revitalization Foundation (WRCRF), were not thought to be temporary in nature. The question arose as to selling or leasing the recreation area fencing to the WRCRF to facilitate a banner sign type fundraising program.

Mr. Macfarlane was requested to draft revised language based upon tonight's discussions to present to Borough Council for review.

Motion to request the solicitor to review and draft amendments to Chapter 455, entitled Zoning, Part 5, entitled Signs, Article XXV, entitled General Provisions. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 7-0.**

7. **PUBLIC COMMENT:**

Mr. Rogers spoke of a previous Borough Manager that one of his first actions was to request a Magic Shop to take down a sign to properly apply for a permit.

Mrs. Livingood reported that she completed her homework assignment from last week's Council meeting by contacting the Public Utility Commission regarding the Linden Lane lighting project, and happily reported that work began today. She thanked the Public Works Director and Borough Manager for being the squeaky wheels.

8. **ADJOURNMENT:** Motion to adjourn the meeting at 8:13 p.m. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary