

BOROUGH OF WEST READING – BOROUGH COUNCIL

October 15, 2015 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, October 15, 2015 with the following persons present: Council President Philip C. Wert; Vice President Carl G. Garman; Council Members Grace M. Craze, Nathalie R. Kulesa, Christopher C. Lincoln, Suzanne Thompson; Police Chief Stephen D. Powell; Fire Chief Mark Burkholder; Borough Solicitor Daniel P. Becker; Recreation Director Helen Moyer; Public Works Director Dean E. Murray; Main Street Manager Christin Kelley; Elm Street Manager Dean L. Rohrbach; Engineer Tom Unger; Administrative Assistant Cathy L. Hoffman. Council Member Elizabeth L. Heckler and Borough Manager Richard J. Sichler were not in attendance. Mayor Valentin Rodriguez, Jr. was present by speakerphone.

VISITORS:	Jim & Karen Livingood	Residents
	Terry Siggins	Resident
	Tina Shenk	Property Owner
	James T. Rogers	Resident
	Oswald Herbert	Resident
	Audrey Schaeffer	Resident
	Patrick & Robin Reedy	Residents
	Robin Horman	Resident
	Amber Rambo	Resident
	Randy Hinsey	Resident
	Kristin Kramer	Resident
	Ritz Ditsky	Business Owner

1. **CALL TO ORDER:** Council President Philip C. Wert called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and Roll Call.

2. **PUBLIC COMMENT:**

James T. Rogers asked about sign regulations that pertain specifically to election signs in the area of the basketball courts and the cloverleaf.

Audrey Schaeffer spoke about people turning left onto Cherry Street even though it is temporarily prohibited because of the Buttonwood Bridge detour. She also noted that delivery trucks are blocking Cherry Street and Chief Powell said he would speak to the businesses that are receiving the deliveries to ensure that the drivers are moving their vehicles as soon as possible. Mrs. Kulesa also noted that vehicles are travelling too quickly on S. 4th Avenue in the area of the school where sight lines are poor. She noted that there are no 'school zone' signs on S. 4th and Mr. Lincoln indicated that this would be discussed at the next Traffic Committee meeting.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the minutes of September 15th, 2015. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the minutes of October 3rd, 2015 as amended (Ms. Thompson asked that the October 3rd minutes state that the motion pertaining to her article for the Courier was carried unanimously). **Motion carried.**

4. **ORDINANCES/RESOLUTIONS TO BE ADOPTED:**

Moved by Ms. Craze and seconded by Mr. Garman to approve Ordinance 1049 (Non-Uniform Pension). **Motion carried.**

Moved by Ms. Craze and seconded by Mrs. Kulesa to recess the regular meeting and convene the Public Hearing. **Motion carried.**

5. **PUBLIC HEARING:**

Mr. Becker stated that the purpose of the Public Hearing was to consider the enactment of the LERTA Ordinance. He then reviewed the list of various notices that are necessary as part of this process. It was noted that Commissioner Leinbach had been in attendance at the August 18th Council meeting to explain the LERTA. Mr. Wert explained what a LERTA is and how it will help the Borough with economic development. Other than some general questions, there was no public comment.

Moved by Mr. Lincoln and seconded by Mr. Garman to adjourn the Public Hearing. **Motion carried.** Mr. Wert then reconvened the regular Council meeting.

Moved by Mr. Lincoln and seconded by Mr. Garman to adopt Ordinance 1050 (LERTA). **Motion carried**
Moved by Mr. Garman and seconded by Ms. Thompson to adopt Resolution 2015-4 (LERTA Application Form). **Motion carried**

6. **UNFINISHED BUSINESS:**

- a. **Belovich Development** – Mr. Becker indicated that the lawyer for the Bank continues to work on the garage encroachments. Unger also reported that work is ongoing for the completion of the punch list.
- b. **Abandoned Properties** – Mr. Becker stated that he had been informed that the lien for 135 S. 2nd Avenue property is in the process of being paid.
- c. **Zoning Hearing Board Vacancy** – Mr. Wert noted that no one has indicated interest in being appointed to this Board and asked everyone to get the word out.
- d. **Norfolk Southern Graffiti** – Mr. Becker spoke about the indemnification agreement that Norfolk Southern is requiring before anyone can access the property to abate the graffiti. He noted that the Borough does have an ordinance in place that they are subject to, so it was recommended that the process be moved forward through the Codes Department. If Norfolk Southern does not remove the graffiti as directed, the Borough has the right to do so. Discussion ensued about who would actually do the work.
- e. **Hail Damage** – Mr. Unger said that the contracts have been awarded and the bonds received so they are ready to move forward with the work. Ms. Craze asked about the damage to the salt shed at the Borough Garage and Mr. Unger said that it is being handled internally. Mr. Murray noted that Mr. Sichler has received three quotes for the salt shed repairs.

7. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Becker said that everything he needed to discuss has been covered elsewhere on the agenda.

b. **Engineer/Code Enforcement Report** – Mr. Unger reported the following:

- Proposals for the Parkview Road Bridge have been revised. They are also evaluating a design/build concept that is different from the normal process, which will combine the two steps with one contractor and one engineer working together to provide one bid. This is proposed as a means to protect the Borough on the scope and cost of the work and make the best use of the Liquid Fuels funds that were allocated for the Bridge.
- The road work project is complete with the total cost being \$437,544.21. Payment has been requested in the amount of \$393,789.79 with the retainage of \$43,754.42 being held. The punch items include line painting, soil work and tree plates.
Moved by Ms. Craze and seconded by Ms. Thompson to approve Payment Application #1 to H & K Group in the amount of \$393,789.79. **Motion carried.**
- The Olive Street Pump Station project is complete. Problems with old piping necessitated a change order in the amount of \$8,807.72. The final payment is \$15,907.72.
Moved by Mr. Lincoln and seconded by Ms. Thompson to approve Payment Application #2 to Advance Rehabilitation Technologies in the amount of \$15,907.72. **Motion carried.**
- The Oak Terrace water line replacement and paving project is also complete. A change order credit brought the project in under budget by \$8,942.59. Two payment applications are being recommended for payment. **Moved** by Mr. Garman and seconded by Ms. Craze to approve Payment Application #2 to M & A Excavating in the amount of \$76,755.12.
Motion carried. Moved by Ms. Craze and seconded by Ms. Thompson to approve Payment Application #3 to M & A Excavating in the amount of \$102,619.35. **Motion carried.** Mr. Unger noted that there is retainage being held for this project in an amount of about \$13,000.
- The Code Enforcement Department report was attached to his report. There were no questions concerning this report.

Moved by Mr. Lincoln and seconded by Mr. Garman to accept the Engineer's Report. **Motion carried.**

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

- a. **Vehicle Sales** – Mr. Wert asked for authorization for the sale of three vehicles. **Moved** by Mr. Garman and seconded by Ms. Craze to authorize the advertising for sale of a 2004 Ford Explorer, 2007 Dodge Charger and a 2008 Dodge Charger. **Motion carried.**
- b. **Road Salt Purchase** – There was some discussion regarding the purchase of salt and the size of the salt shed. Mr. Becker explained that last year the providers had run out of salt and that in order to ensure that there are sufficient quantities this year, it has been recommended that the Borough request 250 tons of salt as a backup contract however there is no obligation to purchase.
Moved by Ms. Craze and seconded by Mr. Lincoln to authorize the purchase of salt under the Berks County Cooperative Purchasing Council contract at a cost of \$82.10 per ton on an 'as needed' basis. **Motion carried.**
- c. **Online Payment / Credit Card System** – Two options have been presented for the processing of credit card payments however no decision was necessary at this meeting.
- d. **Berks County Tax Claim Bureau** – This certification is for two properties that have not paid their interim taxes. **Moved** by Ms. Thompson and seconded by Mr. Garman to authorize the tax certification and remit to the County. **Motion carried.**

9. **MAYOR'S REPORT & WEST READING COMMUNITY REVITALIZATION FOUNDATION:**

Mayor Rodriguez stated that he would be submitting his report electronically for Council and for the record.

10. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Powell referred to his written report and requested an Executive Session for two items. Mr. Garman then read a statement commending the fire department and the various law enforcement agencies involved in the incident on September 26th.

Two handicapped parking space applications have been received:

- 200 block of Chestnut – Although the space could technically be located at the corner of Yarnell if Council chose to do so, it was noted that the entire block is considered to be the 200 block and is not split as is found elsewhere in the Borough. Much discussion ensued and it was finally determined that the space should not be placed at the corner of Yarnell. **Moved** by Ms. Craze and seconded by Mr. Lincoln to approve the application and locate the space at the corner of S. Second Avenue and Chestnut Street. **Motion carried.**
- 400 block of Sunset – It was determined that because the long side of the block is split into the 300 and 400 blocks, the corner of Ann Street could be considered an allowable space. **Moved** by Mr. Garman and seconded by Ms. Thompson to approve the application and locate the space on Sunset Road at the northwest corner of Ann Street. **Motion carried.**

Moved by Mr. Garman and seconded by Ms. Craze to approve the Police Department Report. **Motion carried.**

- b. **Public Works** – Mr. Murray referred to his written report and had nothing further to add. There was a question concerning the parking space lines that were repainted on the recently paved Oak Terrace. Mr. Murray explained that the ordinance book that covers the stall line locations is outdated which caused the incorrect placement of stall lines in front of two driveways. This was immediately corrected. Mr. Wert also noted that the recent parking study indicated that the Borough's parking spaces are based on the average sized car in 1981 whereas the current standards are based on a 2014 Ford Explorer. They also suggested that the spaces be reduced in size. This will be reviewed by the Traffic Committee.

Moved by Mr. Lincoln and seconded by Ms. Thompson to approve the Public Works Director's Report. **Motion carried.**

- c. **Fire Department** – Chief Burkholder referred to his written report and noted that hydrant flushing had been carried out during the last week and there were no issues. There also was a question concerning the ISO Survey and Mr. Unger stated that SDE will have a cost estimate prepared for the budget meeting.

Moved by Mr. Garman and seconded by Ms. Craze to approve the Fire Department Report. **Motion carried.**

- d. **West Reading Community Revitalization Foundation**

Elm Street and Main Street Manager' Report – Mr. Rohrbach referred to their written report and noted the following:

- Pennsylvania Partners in the Arts will be awarding the CRF \$1980.

- The \$40,000 Façade Grant that was previously awarded is being held up at the State level.
- Let's Paint the Town has gone very well. So far three properties on Cherry near 6th and four houses on the 500 block of Franklin have been completed, and work has recently begun on the 500 block of Chestnut Street.
- The mural on the 500 block of Cherry Street is complete and another will be installed later in the week. A dedication will soon follow.
- A poster was distributed for the Elm Street/Bethany Church "Nightmare on Elm Street" Halloween event that will be held on Saturday, October 24th.

Ms. Kelley spoke about the following:

- Thanked everyone for their help with the Fall Festival – Police, Fire and Public Works Departments as well as St. James Church, and everyone else who helped out.
- Costumes on the Corridor was held on October 17th. Thanks to everyone who helped with this event.
- Run Santa Run is being planned for Saturday, December 12th. The 500, 600 and 700 blocks of Penn Avenue will be closed beginning at 8:00 a.m. and reopen once all of the runners have cleared Penn Avenue.
Moved by Mr. Garman and seconded by Ms. Craze to approve the street closure for the Run Santa Run event from 8:00 a.m. to 12:00 p.m. **Motion carried.**
- A working draft for the Holiday Glow event was distributed.

Moved by Mr. Lincoln and seconded by Ms. Craze to approve the Elm Street and Main Street Managers' Reports and the West Reading Community Revitalization Foundation Report. **Motion carried.**

11. **COMMITTEE/COMMISSION REPORTS:**

a. **Recreation Commission** – Mrs. Moyer referred to her written report and spoke about the following:

- The Haunted House and Hayride were a huge success. Thanks to Public Works, Police and Fire Departments, volunteers, as well as Crime Watch.
- A donation has been provided for the purchase of trash and recycling cans that will be placed in the park.
- Council is being asked to amend the ordinance that prevents dogs from being walked in the park. If dogs are allowed, receptacles for dog waste will be placed in the park as well. Dogs will be required to be on a leash. Discussion ensued as to why dogs were prohibited when the ordinance was originally written in 2002 and it was felt that it was probably because residents weren't cleaning up after their dogs.
- It has also been requested that a dog park be established in the Borough. Mrs. Moyer said that the park would be completed over three years and would be funded by a special donation. More information will be forthcoming regarding the location and other details, however because the proposed location is in the City of Reading, it was recommended that Mrs. Moyer speak to the Zoning Department to determine if this is possible.

Moved by Ms. Craze and seconded by Ms. Thompson to direct Kozloff Stoudt to prepare draft language for changes to the ordinance which will allow dogs in the park. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Recreation Commission Report. **Motion carried.**

b. **Planning Commission** – Mr. Wert spoke about the following:

- The Subdivision and Land Development Ordinance is currently undergoing a legal review.
- The Codification review is ongoing.
- Christin Kelley was congratulated on receiving her Master Planner certification from the Center for Excellence in Local Government.
- The resignation of Commissioner Kim Collins has been received. **Moved** by Mr. Lincoln and seconded by Ms. Thompson to accept the resignation of Kim Collins. **Motion carried.**

Moved by Mr. Garman and seconded by Ms. Craze to approve the Planning Commission report. **Motion carried.**

c. **Economic Development Committee** – Mr. Wert reported that Mike Kautter of Kautter and Kelley Architects had visited the Committee at the October meeting and provided some concepts for consideration as well as some infrastructure maintenance recommendations for Penn Avenue (such as light poles and bus shelters). This will be used during the budgeting process.

Moved by Mr. Garman and seconded by Ms. Thompson to accept the September 14th and October 12th Economic Development Committee minutes. **Motion carried.**

d. **Safety Committee** – There were no questions concerning the Safety Committee minutes. **Moved** by Ms. Craze and seconded by Mr. Lincoln to approve the Safety Committee minutes. **Motion carried.**

e. **Environmental Advisory Committee** – Mr. Wert referred to the September 28th minutes and noted that they had welcomed a new member. He said that they continue to discuss relevant topics.

Moved by Mr. Lincoln and seconded by Ms. Craze to accept the Environmental Advisory Committee report. **Motion carried.**

f. **Protection of Persons and Property Committee** – Mr. Garman referred to the minutes that were distributed to Council and noted that a change to the name of the Committee will be made soon. He also noted that after speaking with Mr. Wert it has been decided that the Committee will meet every other month beginning in January, and that the dates/times will be advertised.

Discussion ensued about the proposed 'Disruptive Conduct Ordinance' that could be a helpful tool for the Codes Department, particularly with regard to repeat quality of life code offenders. Mayor Rodriguez indicated that he had asked Chief Powell for statistics regarding disruptive behavior over the last five years and that there has been no substantial change. He cautioned Council to consider it carefully with regard to existing landlord/tenant regulations. Chief Powell indicated that it has been very effective in the City of Reading however it is enforced by the police and not by codes personnel and is not used for 'domestic' situations. Mr. Garman said that because of the legalities involved the Committee is not able to take it any further therefore it would be best for Mr. Becker to review it now.

Moved by Mr. Garman and seconded by Mr. Lincoln to direct Mr. Becker's office to prepare draft language regarding this issue. **Motion carried.** It was noted that Mr. Sichler had some notes concerning the Committee's discussion and he will be asked to provide them to Mr. Becker.

Also discussed at the Committee's meeting was the location for other security cameras in the Borough and it was the Committee's opinion that they should wait until the initial cameras are installed to discuss it further.

Moved by Mr. Lincoln and seconded by Ms. Thompson to approve the Protection of Persons and Property Committee report. **Motion carried.**

12. **TREASURER'S REPORT:**

a. **Revenues with Comparison to Budget:**

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve the Revenues with Comparison to Budget Report for the nine months ending 9/30/2015. **Motion carried.**

b. **Payment Approval Report:**

Mr. Garman said he had concerns about being asked to approve the second payment report without having ample time to review the document (because it is traditionally distributed immediately prior to the monthly Council meeting). He also questioned a legal expenditure in the amount of \$2000 regarding the article in the Courier. Because this involves a personnel issue, Mr. Garman asked that it be discussed in Executive Session.

Moved by Mr. Lincoln and seconded by Ms. Craze to approve the Payment Approval Report for 9/16/2015 - 10/15/2015 and 10/16/2015 – 10/20/2015.

Voting in favor of the motion – Ms. Craze, Mrs. Kulesa, Mr. Lincoln, Mr. Wert

Voting against the motion – Mr. Garman, Ms. Thompson

Motion carried.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:05 p.m. to discuss personnel. When the meeting reconvened at 9:57 p.m., no action was taken.

14. **PUBLIC COMMENT:**

Patrick and Robin Reedy said that they were in attendance out of concern for the Belovich properties and Habitat for Humanity as was reported by the Reading Eagle after the last Council meeting. Mr. Reedy indicated that they are very concerned about protecting their property values and ensuring that the houses that will be built will be constructed with the same quality and appearance as the existing homes. It was suggested that a meeting be held between Tim Daley (Habitat) and the current residents of the Belovich development.

James T. Rogers spoke about the tarp still covering the property at 417 Franklin Street and asked if it had been checked lately and it was noted that Mr. Sichler had checked it two months ago. He also asked about the length of time that a tarp should remain in place and it was noted that the company that placed the tarp would be the appropriate people to ask. Mayor Rodriguez indicated that he would check with Mr. Unger regarding that as well.

15. **ADJOURNMENT:**

Moved by Mr. Garman and seconded by Ms. Craze to adjourn the meeting at 10:07 p.m. **Motion carried.**

Respectfully submitted,
Cathy Hoffman, Administrative Assistant