

BOROUGH OF WEST READING – BOROUGH COUNCIL

April 19, 2016 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, April 19, 2016 with the following persons present: Council President Carl G. Garman; Vice President Nathalie Kulesa; Mayor Valentin Rodriguez, Jr.; Council Members Grace M. Craze, Kristin L. Kramer, Christopher C. Lincoln, Suzanne Thompson, Philip C. Wert; Acting Borough Manager Cathy L. Hoffman; Police Chief Stephen D. Powell; Fire Chief Mark Burkholder; Public Works Crew Leader Kerry Grassley; Main Street Manager Christin Kelley; Solicitor Charles B. Haws; Engineer Tom Unger; Recreation Director Helen Moyer; Administrative Clerk Stephanie L. Burkholder. Elm Street Manager Dean Rohrbach was unable to attend.

VISITORS:	James T. Rogers	Resident
	Audrey Schaeffer	Resident
	Sheila Yasher	Visitor
	Karen Livingood	Resident
	Tina Shenk	Property Owner
	Amber Rambo	Resident
	Pat & Robin Reedy	Resident
	Robin Horman	Resident
	Scott Fiegel	Resident
	Dave Noll	Resident
	Andrew Beane	Visitor
	Lana Fick	Manor Care
	Elizabeth Heckler	Resident
	Keith Fox	Resident
	Oswald Herbert	Resident
	Becca Gregg	Reading Eagle

1. **CALL TO ORDER:** Council President Carl G. Garman called the meeting to order at 7:02 p.m. which was followed by the Pledge of Allegiance and Roll Call.

Council President Carl Garman stated that Mayor Rodriguez requested an executive session prior to public comment to discuss personnel therefore Council recessed to Executive Session at 7:04 p.m. When the meeting reconvened at 7:24 p.m. the following action was taken:

Moved by Ms. Kulesa and seconded by Ms. Kramer to appoint Cathy Hoffman as interim Borough Manager. **Motion carried 7-0.**

Moved by Ms. Kulesa and seconded by Mr. Lincoln to ratify four Right-to-Know requests which were handled by Mrs. Hoffman. **Motion carried 7-0.**

2. **PUBLIC COMMENT:**

Elizabeth Heckler spoke about the stained glass from Elta Bitz's house that was given to the Borough and is being stored in the Manager's office. She asked that it be hung in the foyer of the Hall. Mr. Grassley stated that the crew will do some touch ups and ensure that it gets hung in the next few weeks.

Lana Fick employee of Manor Care questioned the planting of flowers at the traffic circle. Mr. Garman advised that this was still being discussed.

Byron Fiegel followed up regarding the increased bus and truck traffic through residential areas. He had provided a list of vehicles to Mrs. Hoffman which had been included in Council's packet. He stated that

it would seem that the traffic is coming from Lancaster Avenue and Mayor Rodriguez stated that it may be as a result of the Buttonwood Street detour. Some suggestions were made that the Traffic Committee will review including amending the truck route ordinance and increasing the fine.

Keith Fox once again spoke about the gas meters that UGI is installing. He distributed copies of a letter from UGI and photos to Council. Mr. Garman stated that solicitor Keith Mooney had prepared a memo in this regard. Much discussion ensued with regards to the existing regulations and how the Borough could act to assist residents in this regard. It was also noted that Mr. Rohrbach was working on a letter concerning this issue therefore he will be contacted for more information. UGI's opening of Borough streets was also discussed.

Sheila Yasher spoke on behalf of her mother Audrey Schaeffer who resides adjacent to an abandoned property. She is concerned that the water issues they are having may be a result of roof issues with the abandoned property. She has already spoken with the Codes Department however would like some additional investigating done. Chief Powell indicated that they could obtain another administrative warrant based on the new physical damage and Mayor Rodriguez said he would have Codes prepare the request for the administrative warrant to obtain entry to the property. It was also noted that the rear door of the property was found open therefore the police searched the building and Borough crew members secured the door as well as ensuring that all windows were secure.

Amber Rambo spoke about the dogs that live behind her home that bark almost constantly including throughout the night. She noted that people are afraid to walk past the house because of the dogs' demeanor. Chief Powell said that she should contact the police when this is happening so that officers can speak to the owners. Ms. Rambo also noted that there is no grass in the yard and asked about landscaping regulations.

Oswald Herbert spoke about UGI replacing meters on Penn Avenue and his concern that it will not be done properly. Mr. Wert noted that historical buildings are treated differently which includes buildings that are eligible for registration as a historic building.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mr. Wert and seconded by Mr. Lincoln to approve the Council minutes of March 15, 2016.
Motion carried 7-0.

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

a. **Non Uniform Pension Ordinance (1055) – Moved** by Ms. Kulesa and seconded by Mr. Wert to adopt the Non Uniform Pension Ordinance. **Motion carried 7-0.**

5. **UNFINISHED BUSINESS:**

a. **Belovich Development** – A memo from the Fulton Bank solicitor was reviewed and it was noted that although the Borough will need an easement to access utilities within the unfinished streets, there is no intention to plow the streets. Mr. Haws said he would advise Ms. Elliott concerning this error. Mrs. Hoffman also noted that the remaining 12 trees need to be planted soon or they may not survive. In order to accept the 12 trees and release Fulton Bank from any other landscaping requirements, Ms. Elliott will draft an agreement stipulating that the landscaping portion of the agreement is resolved. The cost for planting the trees was also discussed with Ms. Elliott however Mr. Grassley had indicated that public works would be very willing to plant them. **Moved** by Mrs. Kulesa and seconded Ms. Craze to accept the 12 remaining trees. **Motion carried 7-0.**

- b. **Abandoned Properties** – Mrs. Hoffman stated that a blight hearing has been scheduled on May 24th for the property at 417 Franklin and noted that affidavits have been prepared and notarized from the Codes Department, Tax Collector and Utility Billing concerning all unpaid fees for the property.
 - c. **Cumru Township Property** – There was nothing new to report concerning a possible intermunicipal agreement between the Borough and Cumru Township. It was also noted that Mayor Rodriguez had found a regulation that states that land within a municipality must be contiguous, which is not the case in this situation. Mayor Rodriguez said he would continue to look into this however that the Borough should not stop trying to obtain an intermunicipal agreement.
 - d. **Buttonwood Gateway Design** – Mr. Wert indicated that Mr. Kautter had informed him that the design is finished and would like to present it to Council. Mr. Wert suggested that many of the committees such as Recreation and Planning might like to attend the presentation therefore the meeting should be a separate event. Two dates that were suggested were May 5th and May 12th at 7:00 p.m. at Borough Hall. Once the date is decided, everyone will be contacted. Mayor Rodriguez noted that minutes from the March 16th design meeting were included in the Mayor's Report.
 - e. **Power of Mayor regarding Code Enforcement** – Mr. Haws had been asked to research this subject therefore Council discussed the memo he had written. Mr. Haws determined that there is much language in the Borough Code indicating that the Mayor is in charge of the Police Department however that there is little that would lead one to believe that he is in charge of the Codes Department as well. Although the Borough Code says that it is the duty of the Mayor "to preserve order in the borough, to enforce the ordinances and regulations, to remove nuisances, to exact a faithful performance of the duties of the officers appointed and to perform any other duties as shall be vested in the mayor's office by law or ordinance" there is no specific intent that the Mayor should do so by having sole authority over the Codes Department. It was also noted that under the Borough's ordinance that addresses the Borough Manager, it states that "The Borough Manager, under the direction of the Mayor, shall execute and enforce the laws of the Commonwealth, and the ordinances, resolutions and by-laws enacted or adopted by the Borough Council." Much discussion ensued and it was suggested that if Council believes that the Manager should be under the direction of Council, a revision of the ordinance would be necessary. Mayor Rodriguez stated that if Council were to contemplate limiting the power given to this authority which is statue by ordinance, he would have an issue with it. It was recommended that the solicitor draft the language to amend the ordinance that will require the Borough Manager to report to Council. **Moved** by Ms. Kramer and seconded by Mr. Lincoln to revise the ordinance to state that the borough manager reports to borough council. **Motion carried 7-0.** Mayor Rodriguez asked for clarification regarding his duties and it was noted that he currently will be in charge of the Codes Department.
 - f. **Truck Traffic on Residential Streets** – This was discussed during public comment.
 - g. **UGI Relocation of Gas Meters** – This was discussed during public comment.
6. **CONSULTANTS' REPORTS:**
- a. **Solicitor's Report** – Mr. Haws stated that everything in his report had been discussed elsewhere on the agenda.
 - b. **Engineer/Code Enforcement Report** – Mr. Unger reported the following:

- Contracts for the Borough Hall and Fire Company hail damage are almost complete. Application #2 in the amount of \$6584.06 has been submitted for payment. A balance of \$10,036.12 will remain. **Moved** by Ms. Craze and seconded by Ms. Thompson to approve Payment Application #2 in the amount of \$6584.06. **Motion carried 7-0.**
- The Borough Hall contract is 99% complete with some punch list items to complete. Application #1 in the amount of \$78,666.88 has been submitted for payment. The remaining balance is \$11,666.82. **Moved** by Ms. Craze and seconded by Ms. Thompson to approve Payment Application #1 in the amount of \$78,666.88. **Motion carried 7-0.**
- The Olive St Pump Station sidewalk is almost complete - waiting for the grate to be installed. There is no payment recommendation at this time.
- The March Codes report and March receipt report is in the packet.

Mr. Wert asked if the Parkview Road Bridge RFP has been prepared and Mr. Unger said that it is ready to go. Mrs. Kulesa had some concerns about the future of the bridge and asked why PennDOT says that it doesn't have to be brought up to design standards. Mr. Unger said that when the bridge was designed, the loads were much different than they are now and that the Borough doesn't have to bring the bridge up to today's design standards. Mr. Lincoln commented that once the repairs are complete the load restrictions won't be eliminated but it will be higher than it currently is.

Moved by Mr. Lincoln and seconded by Ms. Thompson to approve the Engineer's Report. **Motion carried 7-0.**

7. BOROUGH MANAGER'S REPORT:

- a. **Pension Administration** – Mrs. Hoffman stated that Mr. Sichler had been working with PSAB toward creating the Pension RFP. Joseph Scott Jr. has been in contact and requested a meeting with the Pension Committee for the first week in May. Mr. Garman asked all members of the Committee to determine their availability, including Chief Powell as well as Officer Wayne Holben. He noted that he would like to see as many representatives from the Police Department participating in this project. The proposed dates are May 2, 3, or 4 at 6:00 or 6:30 p.m. Mrs. Hoffman also presented a request from Treasurer Jeanette Rentschler concerning three Non-Uniform pension documents (as prepared by The Standard) that need to be signed.

Moved by Mrs. Kulesa and seconded by Ms. Craze to execute the Non-Uniform Pension documents. **Motion carried. 7-0.**

- b. **PEMA Meeting** – Mrs. Hoffman and Mrs. Rentschler had attended the preliminary PEMA meeting concerning reimbursement for Winter Storm Jonas. Mrs. Rentschler has agreed to attend all subsequent meetings.
- c. **Handicapped Parking Requests** – Chief Powell indicated that two applications for handicapped parking spaces had been received. He noted that they meet the criteria and provided the location information for both. For the Tulpehocken Avenue request, the sign will just need to be reinstalled because the space was preexisting for another resident who recently moved. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve handicapped parking spaces for the 100 block of Tulpehocken Avenue and the 300 block of Chestnut Street. **Motion carried 7-0.**
- d. **Children's Dyslexia Walk** – The Dyslexia Center is holding its annual walk on May 7th. The walk will begin at the Scottish Rite Cathedral at 9:30 and proceed throughout the Museum gardens. No

approval from the Borough is necessary as there will be no street closures or other requirements from the Borough.

- e. **Wildlife Services Service Agreement** – Mrs. Hoffman explained that this is the contract that is prepared each year to discourage geese from nesting at the Park. Because the agreement had to be completed at the beginning of April, Mrs. Hoffman stated that she had already signed the document and needed Council to ratify it. **Moved** by Ms. Kramer and seconded by Mr. Lincoln to ratify the execution of the Wildlife Service Agreement.
For the motion – Mr. Wert, Ms. Kramer, Ms. Thompson, Ms. Craze, Mr. Lincoln, Mr. Garman
Against the motion – Mrs. Kulesa
Motion carried 6-1.
- f. **Appointments** – These appointments were completed at the beginning of the meeting.
- g. **Public Works Job Description** – It was noted that the ad for two maintenance personnel had not yet been placed with the Reading Eagle as was requested by the Personnel Committee. There was some discussion concerning the job description, with regards to the tank endorsement which Mr. Grassley felt was unnecessary as long as the candidates had their CDL. It was agreed that the tank endorsement be removed from the ad. Mrs. Kulesa said that having someone on staff with arborist experience would be a benefit to the Borough and discussion ensued regarding the possibility of purchasing a tree trimming truck. For now, arborist experience would be added to the newspaper ad.
- h. **Vehicle Sales** – The Public Surplus auction of the 2004 Ford Explorer has closed with the high bid being received from David Lesko of South Carolina in the amount of \$1626. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to accept the bid of \$1626 from David Lesko. **Motion carried 7-0.**
- i. **Western Berks Refuse Authority** – Mrs. Hoffman stated that Mr. Sichler would like to remain as the Borough's representative for the Western Berks Refuse Authority. She noted that Mr. Sichler was re-appointed in 2016 for a term that ends in December 2020. Council was pleased to have Mr. Sichler remain on the WBRA Board.
- j. **Hail Damage Repairs** – Mrs. Hoffman explained that the Borough has already received approximately \$397,000 of insurance funds for the hail damage and if those funds are committed to be spent, an additional \$100,000 in depreciation funds would be available. Unfortunately all work must either have been completed by May 24th, or be scheduled to be completed with an RFP or quote in place. Work has not been completed on the roofs at the pool and pavilion as well as the dryvit at Borough Hall. Mr. Unger said that some of the work could be quickly scheduled as long as quotes were received for the work which must be under \$19,000 per contract. There were questions concerning how many buildings remain unrepaired but Mrs. Hoffman did not know. **Moved** by Mr. Lincoln and seconded by Ms. Craze to authorize Mrs. Hoffman to work with Mr. Unger to prepare bids and take the necessary action to move forward with the hail damage repairs before the May 24th deadline. **Motion carried 7-0.**
- k. **Tax Collector Audit** - The audit has been received from Maillie LLP, with everything appearing to be in order. **Moved** by Ms. Thompson and seconded by Ms. Kramer to accept the Tax Collector's Audit for 2015. **Motion carried 7-0.**

Moved by Ms. Craze and seconded by Ms. Thompson to approve the Acting Borough Manager's report.
Motion carried 7-0.

8. **MAYOR'S REPORT:**

Mayor Rodriguez stated that he had delivered his report to Council earlier in the evening. Minutes of the Buttonwood Gateway meeting with Mr. Kautter were included. Mayor Rodriguez also spoke about the mural that was painted on the wall of the Police Department foyer which included the new mission statement that was created by officers of the Department. He invited everyone to visit the Department to see the mural. Meeting minutes from the Codes Department staff meetings of March 9th, March 23rd and April 13th were also included in his report.

Moved by Mrs. Kulesa and seconded by Ms. Thompson to approve the Mayor's Report.
Motion carried 7-0.

9. **DEPARTMENT REPORTS:**

- a. **Police Department** – Radar speed signs were discussed last month, and Chief Powell indicated that he received a quote from Elan City of \$2000 per unit, plus accessory batteries and battery charger. Chief Powell requested to purchase one sign, noting that funds would have to be moved from the capital budget to do so. The appropriate line item will be obtained from the Treasurer. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to move funds from the Police Capital Budget to a specific line item for the purchase of two speed signs, not to exceed \$4000. **Motion carried 7-0.**

The DA's office has a program that will provide NARCAN at no cost to police departments. This opiate antidote works to reverse the effects of heroin and other drugs. A resolution from Council would be necessary to approve West Reading Police officers to carry the antidote. Chief Powell stated that there is no liability involved because of a law enacted to support this. **Moved** by Mr. Lincoln and seconded by Ms. Thompson to approve the Police Department to carry the NARCAN kits. **Motion carried 7-0.**

Two part time police officers will be starting with the department next week. Chief Powell requested that Council consider increasing Officer Kyle Bohn's rate of pay from \$18.37 to \$20.00 per hour considering that the new officers will be starting at \$18.37 and Officer Bohn has been with the department for two years. **Moved** by Ms. Craze and seconded by Mr. Lincoln to increase Officer Kyle Bohn's pay rate to \$20.00 per hour. **Motion carried. 7-0.**

Chief Powell reported that West Reading police are still assisting Cumru Township by keeping high visibility in the area under the bridge, most recently with a death investigation. He added that he had items for Executive Session.

Mrs. Kulesa asked about the security camera system at the park, whether it was still functional and who had access. After some discussion it was decided that Mrs. Hoffman will ask Mr. Sichler how to gain access to the system.

Moved by Ms. Thompson and seconded by Ms. Craze to approve the Police Department Report.
Motion carried 7-0.

- b. **Public Works** – Mr. Grassley spoke about the need to purchase a camera that will be used for checking sewer lines. He noted that it was budgeted for 2016 and also explained that each time the Borough rents a camera, the cost is \$200. So far this year, the rentals have cost the Borough

\$1000. After some discussion Mr. Grassley was asked to check with the Treasurer to see what is in the budget. Mr. Grassley will also obtain quotes for the camera.

Ms. Craze asked why crew members aren't using the truck with the lift to pick up the trash on Penn Avenue and Mr. Grassley said he would bring this to the crew's attention.

Mrs. Kulesa said she was happy to see the amount of work that is being done at the pool.

Moved by Ms. Craze and seconded by Ms. Thompson to approve the Public Works Director's Report. **Motion carried 7-0.**

- c. **Fire Department** – There were no questions concerning Chief Burkholder's report.

Moved by Mr. Lincoln and seconded by Ms. Craze to approve the Fire Department Report. **Motion carried 7-0.**

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

Elm Street and Main Street Manager' Report – Christin Kelley gave the report in Mr. Rohrbach's absence:

- Earth Day was very successful. 82 volunteers worked at the Community Garden, the fishing dock and picking up trash. A full report will be presented in May.
- New businesses in the Borough are Sweet Ride Ice Cream, Rice Modern Thai, and East Ridge Outfitters.

Mrs. Kulesa asked about the utility vehicle that was driven on the street on Earth Day. Discussion ensued and it was determined that more information is needed to determine the status of the vehicle.

Moved by Mr. Lincoln and seconded by Ms. Kramer to approve the Elm Street and Main Street Managers' Reports. **Motion carried 7-0.**

10. **COMMITTEE/COMMISSION REPORTS:** It was decided to hold the committee reports until the Council meeting of April 27th with the exception of Recreation, due to action items requiring approval.

- a. **Recreation Commission**

- A 'no smoking' ordinance had been created some years ago but never enacted. The Recreation Committee requests that the park become a non-smoking area with the exception of a small area on the south side of the walking bridge. **Moved** by Mrs. Kulesa and seconded by Ms. Kramer to draft the 'no smoking' ordinance. **Motion carried 7-0.**
- The hiring of seven new lifeguards is requested. **Moved** by Mrs. Kulesa and seconded by Ms. Kramer to approve the hiring of seven new lifeguards at \$7.25 per hour. **Motion carried 7-0.**
- DCNR requires that a park maintenance manual be submitted along with the trail grant application, therefore Mrs. Moyer drafted the manual which was distributed to Council. She noted that it has been reviewed by Mr. Murray, Mr. Sichler and Mr. Grassley and noted that it is just a guideline. **Moved** by Ms. Kramer and seconded by Ms. Thompson to approve the Park Maintenance Manual. **Motion carried.**
- A letter of interest has been submitted by a resident. **Moved** by Ms. Thompson and seconded by Mrs. Kulesa to appoint Melissa Brennan to the Recreation Commission. **Motion carried.**

- Because Mrs. Moyer was unable to attend the March Council meeting, she requested that Council reconsider the Pool Manager certification requirements. She indicated that her report provided information concerning what is necessary for all pool related personnel. It was decided that this would be discussed in Executive Session.
- Ms. Thompson spoke about the recent vandalism at the Pavilion and asked about the frequency of police patrols in that area. Chief Powell indicated that the park is patrolled at least once per hour.

Moved by Ms. Thompson and seconded by Ms. Kramer to approve the Recreation Commission Report. **Motion carried 7-0.**

11. **TREASURER'S REPORT:**

- a. **Payment Approval Report** – It was noted that the Borough has not yet been reimbursed for the Reading 120 Bicycle Race. Mayor Rodriguez noted that this should be taken into consideration for future events.

Ms. Craze asked about the substantial repairs to the sweeper and Mr. Grassley said that due to the age of the sweeper and the increased amount of hours it has been used because of the street sweeping program, the repairs are necessary to keep it in use. Ms. Craze also asked about the Ehrlich bills and whether the crew could be doing this work. Mr. Grassley indicated that he had made that suggestion many times to the Borough Manager.

Ms. Craze left the meeting at this point (10:17 p.m.) She returned at 11:30 p.m.

Moved by Mr. Wert and seconded by Ms. Thompson to approve the Payment Approval Report for the periods of 3/16/2016 – 4/15/2016 and 4/16/2016 – 4/19/2016. **Motion carried 6-0.**

- b. **Revenues with Comparison to Budget** – Mr. Wert noted that Berks EIT has been doing a great job and that over 62% of the budgeted Business Privilege Tax has been collected already in the first quarter for 2016.

Moved by Ms. Thompson and seconded by Ms. Kramer to approve the Revenues with Comparison to Budget Report for the three months ending March 31st. **Motion carried 6-0.**

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 10:20 p.m. to discuss personnel and litigation. When the meeting reconvened at 11:25 p.m., the following actions were taken:

Moved by Ms. Kramer and seconded by Ms. Thompson to approve the hiring of Elba Beltran del Rio as part-time Police Administrative Aide at a rate of \$14.00 per hour. **Motion carried 6-0.**

Moved by Mrs. Kulesa and seconded by Mr. Lincoln to authorize the use of personal sick time for the use of family sick time for up to two weeks for a member of the Public Works Department. **Motion carried 6-0.**

13. **PUBLIC COMMENT:**

James T. Rogers asked if he had heard correctly about a \$4000 expenditure concerning a conflict between the Mayor and Council and Mayor Rodriguez said that that is the amount allotted in the Borough Code if necessary to resolve an issue. He asked further about the supervision of the Codes

Department and Mr. Haws said that he had prepared a memo at Council's request and explained the existing situation. It was noted that at this point, no change has been made to the existing supervision of the Codes Department.

Oswald Herbert commented that an intermunicipal agreement will not resolve the issues on the Cumru Township property. Some discussion ensued regarding the problems that exist there.

14. **ADJOURNMENT:**

Moved by Ms. Craze and seconded by Ms. Thompson to adjourn the meeting at 11:45 p.m. **Motion carried 7-0.**

Respectfully submitted,

Stephanie Burkholder
Administrative Clerk