

BOROUGH OF WEST READING – BOROUGH COUNCIL

May 17, 2016 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, May 17, 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; Police Chief Stephen D. Powell; Deputy Fire Chief Chad T. Moyer; Public Works Crew Leader Kerry Grassley; Recreation Director Helen Moyer; Elm Street Manager Dean L. Rohrbach; Engineer Tom Unger; Borough Secretary Cathy L. Hoffman. Main Street Manager Christin Kelley was unable to attend.

VISITORS:	Karen Livingood	Resident
	Tina Shenk	Property Owner
	James T. Rogers	Resident
	Oswald Herbert	Resident
	Amber Rambo	Resident
	Val Lacis	Reading Eagle
	Massimo Grande	Business Owner
	Terry Siggins	Resident
	Robin Horman	Resident
	Ammon Heckler	Resident
	Elizabeth Heckler	Resident
	Terri Taylor	Resident
	Scott Fiegel	Resident

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

Mr. Garman announced that Council had met in Executive Session on May 2nd to discuss personnel matters.

2. **PUBLIC COMMENT:**

Massimo Grande was on hand to discuss **Nonno Alby's** request for a beer tent at the Art on the Avenue event. It was noted that the tent will be 10 x 20 feet but the roped off area will be 20 x 20 feet and will be used for beer and food service. Staff will be on hand to ensure that the patrons do not leave the area with any alcohol. Deputy Chief Chad Moyer indicated that the emergency lane on Penn Avenue would not be a factor because the roped off area will be on North 6th Avenue at the corner of Penn Avenue. **Moved** by Ms. Kramer and seconded by Mr. Lincoln to approve the beer tent request for Art on the Avenue. **Motion carried 7-0.**

James T. Rogers spoke about the trash that was found at the Bertolet fishing dock and the complaint he had lodged because it had not been picked up. Mr. Rohrbach indicated that this area had been completely cleaned up as part of the Earth Day events and it was noted that the waste had most likely come from the homeless encampment nearby. Discussion ensued and Mr. Garman said that because the trash is on Borough property, the Crew will be required to clean it up on an ongoing basis. A trash receptacle will also be placed at that location.

Tina Shenk asked about attaching signs, ribbons etc on poles in the Borough and it was noted that she should have permission to do so.

Terri Taylor introduced herself as the newly appointed member of the Wyomissing Area School District and noted that she could be contacted through her email address on the District website. She was applauded for having achieved this appointment.

Amber Rambo noted that nothing is permitted to be attached to Borough shade trees without the permission of the Shade Tree Commission however it was suggested that non-harmful fasteners such as tape or ribbon would be allowed.

Scott Fiegel spoke about his latest report and it was noted that it had been reviewed at the Traffic Committee meeting. This will be discussed further with the Traffic report.

Pat Motley of Motley Associates was in attendance to represent Kevin Hughes concerning the Narrow Fabric development. He spoke about plans for the property and the variances that had been granted by the Zoning Hearing Board and then requested a waiver for the Land Development Plan. He noted that they will be submitting landscaping, lighting and parking plans as part of the project. Mr. Unger explained what is in the Borough's regulations considering land development plans and noted that this particular development would fall within the criteria. Mr. Haws suggested that waivers could be requested for specific aspects of the plan that would allow the project to move forward without giving up all control in the event that there are issues down the road and Mr. Unger suggested granting a waiver for the fitness center and restaurant. Mr. Wert noted that the request for the waiver is not unprecedented, given that plans for the properties on either side of the land in question were not required to have a land development plan. He also stated that the Planning Commission had unanimously agreed to recommend to Council that the land development plan be waived. Mr. Motley stated that even if the waiver is granted, they will be appearing before the Planning Commission several more times before the project is complete. After much discussion it was **Moved** by Mr. Lincoln and seconded by Ms. Kramer to waive land development subject to the applicant providing a parking plan, a lighting plan and a landscaping plan, that meets the requirements of the ordinances.

In favor of the motion – Mr. Wert, Ms. Kramer, Mr. Lincoln and Mr. Garman

Against the motion – Ms. Thompson, Ms. Craze, Mrs. Kulesa

Motion carried 4-3

3. APPROVAL OF COUNCIL MINUTES:

Moved by Ms. Thompson and seconded by Ms. Craze to approve the Council minutes of April 19th and 27th 2016. **Motion carried 7-0.**

4. ORDINANCES/RESOLUTIONS TO BE ADOPTED:

- a. Ordinance 1056 –** Ms. Thompson read a statement concerning the adoption of this ordinance and requested that it become part of the meeting minutes.

Moved by Ms. Kramer and seconded by Mr. Lincoln to approve Ordinance 1056.

In favor of the motion – Mr. Wert, Ms. Kramer, Mrs. Kulesa, Mr. Lincoln, Mr. Garman

Against the motion – Ms. Thompson, Ms. Craze

Motion carried 5-2.

- b. Ordinance 1057 – Handicapped Parking Space**

Moved by Mr. Lincoln and seconded by Ms. Kramer to approve the adoption of this ordinance.

Motion carried 7-0.

5. **UNFINISHED BUSINESS:**

- a. **Belovich Development** – It was reported that the process is moving forward, with only two homeowners remaining to execute the deeds and plans for the amendments.
- b. **Abandoned Properties** – The process of obtaining a second administrative warrant for the 417 Franklin Street property is continuing.
- c. **Cumru Township Property** – It was suggested that rather than having the two solicitors discuss possible solutions, a meeting should take place between the two municipalities. It was agreed that the Mayor and Police Chief would represent the Borough in this discussion. With the homeless encampment on the property in question polluting the Schuylkill River and Wyomissing Creek, it was suggested that the following entities be contacted - the Army Corps of Engineers, DEP and the PA Fish and Boat Commission.
- d. **Buttonwood Gateway Design** – Mr. Kautter had presented his design for Buttonwood Street and Delaney Circle at a meeting at the Fire Company on May 12th. Possible next steps in process were discussed briefly and it was suggested that the plan could be phased in beginning with Buttonwood Street. It was noted that most of the infrastructure would have to be replaced therefore Mr. Unger was asked to look into it further and determine the cost so that it can be budgeted. It was noted that it is important for the road work to be completed before the repairs to the Buttonwood Street Bridge are complete. **Moved** by Ms. Kramer and seconded by Ms. Craze to have an engineering study prepared for all of the infrastructure on Buttonwood Street. **Motion carried 7-0.** Also discussed was the planting of flowers in the circle and the painting of the poles on Penn Avenue. Mr. Garman said that he had spoken with Mr. Murray about having the painting of the poles on a maintenance schedule. The repainting of the train bridge on Penn Avenue was also discussed.
- e. **UGI Relocation of Gas Meters** – The eligibility of homes in the Borough to receive an historic designation was discussed as a means of preventing gas meters from being moved to the front of homes. It also noted that the contractor completing the work may not be following the required notification process and is currently not following the Borough's regulations for street openings and sidewalk replacement. Mrs. Hoffman was asked to arrange a meeting between UGI and Council for June 28th.

6. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Haws indicated that his items for discussion were covered elsewhere on the agenda. **Moved** by Mr. Lincoln and seconded by Ms. Craze to approve the Solicitor's Report. **Motion carried 7-0.**
- b. **Engineer/Code Enforcement Report** – Mr. Unger reported the following:
 - Application #2 has been received for payment to H&K Group in the amount of \$43,754.42 for the 2015 road paving project. He noted that \$437,544.21 was paid for the entire contract which came in under budget. **Moved** by Ms. Craze and seconded by Ms. Thompson to approve the payment of \$43,754.42 to H&K Group. **Motion carried 7-0.**
 - Two alleys have been budgeted for the 2016 road paving projects with \$222,000 being allocated for the Spruce 'T' alley and the alley between Sycamore and Sunset between 5th and Linden. Discussion ensued regarding 5th Avenue and Parkside Drive North needing to be paved. Mr. Unger stated that he would bid out the alley project in sections so Council could decide which section would be completed. **Moved** by Ms. Craze and seconded by Ms. Kramer to authorize the advertising of the alley paving projects. **Motion carried 7-0.**

Discussion also ensued concerning the Hospital's role in repairing the streets. Mayor Rodriguez said that he would contact Dave Majors concerning the streets. It was also noted that Mr. Wert as chair of the Hospital Committee would work on scheduling a meeting.

- The Olive Street Pump Station project is complete, data is now being collected and the sidewalk has been finished. \$15,255.00 is being requested for Payment Application #1. **Moved** by Ms. Kramer and seconded by Mr. Lincoln to approve Payment Application #1 in the amount of \$15,255.00 to Bertolet Construction. **Motion carried 7-0.**
- The Codes Department report for April and receipts for April were also included in the report.

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

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

- a. **PEMA – Snow Storm Reimbursement Resolution** – The final piece required for the submission to PEMA is the approval of a Resolution. **Moved** by Mr. Lincoln and seconded by Ms. Kramer to authorize the execution of the DAP-1 Form and the DAP-2 Resolution. **Motion carried 7-0.**

- b. **Hail Damage Repairs** – The hail damage deadline of May 23rd has been extended by the insurance carrier for an additional six months. It will be necessary to obtain estimates for all of the work to be completed. Mr. Unger said he would try to sort through it to see how best to move forward.

Mayor Rodriguez spoke about \$100,000 recoverable deductible and introduced Mike Lazarchick, a public adjuster, who provided additional information about the process. He noted that the two year statute to file suit will allow the Borough to continue to negotiate. He said that in his review of the hail damaged properties, he found that there were many areas at the Borough Garage that were damaged but not allotted as part of the claim. He offered his services to continue the process and obtain additional funds to cover the damage. His cost to do this would be 35% of whatever he was able to obtain from the insurance company which was above and beyond the original claim, however the percentage is negotiable. Discussion ensued and Mr. Haws reviewed the various ways to proceed including filing a writ, if the carrier will not include the ability to file suit in the extension. Mrs. Hoffman will request this but if the carrier will not agree in writing, Mr. Haws will file the writ.

- c. **Ragnar Relay Pennsylvania 2017** – A request was submitted for the Ragnar Relay in 2017, asking for Council's approval for the race which will have a very small impact on the Borough. **Moved** by Ms. Craze and seconded by Ms. Kramer to send the approval letter to the Ragnar Relay organizers. **Motion carried 7-0.**
- d. **The Moving Wall** – The Vietnam Veterans' Memorial half scale wall will be at Jim Dietrich Park in Muhlenberg Township between June 9th and 13th.
- e. **BCCPC** – The executed agreement for joint salt purchase with BCCPC was submitted prior to the Council meeting due to an early deadline. **Moved** by Mr. Lincoln and seconded by Ms. Craze to ratify the execution of the salt contract. **Motion carried 7-0.**
- f. **Teamster's Contract and Police Contract** – Negotiating committees need to be established and a letter sent to the West Reading Police Officers Association. It was decided that Mayor Rodriguez,

Ms. Craze and Ms. Thompson participate on the police negotiating committee and Mrs. Kulesa, Ms. Thompson and Mrs. Hoffman for the Teamsters' negotiating committee.

- g. **2015 Municipal Annual Audit and Financial Report** – The audit for 2015 was presented to Council. It was decided that the auditors, Maillie LLP be asked to present the audit to Council at the June meeting.
- h. **Joint Municipal Authority of Wyomissing Valley Surcharges Resolution** – A resolution to set the surcharge rates for RM Palmer is required each year, per the Joint Municipal Authority of Wyomissing Valley. **Moved** by Mrs. Kulesa and seconded by Ms. Thompson to adopt Resolution 2016-4. **Motion carried 7-0.**

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

8. **MAYOR'S REPORT:**

Mayor Rodriguez stated that he had distributed his report just prior to the Council meeting. He asked for approval of one action item – the appointment of Mark Civitarese as Deputy Fire Marshall and noted that he had spoken to Fire Marshal Chad Marks as well as Deputy Fire Chief Chad Mayor, who were in agreement with the appointment. **Moved** by Ms. Craze and seconded by Ms. Kramer to appoint Mark Civitarese to the position of Deputy Fire Marshall. **Motion carried 7-0.**

Moved by Ms. Craze and seconded by Ms. Kramer to approve the Mayor's Report.
Motion carried 7-0.

9. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Powell referred to his written report and noted the Armed Forces Day Parade on Saturday, May 21st. He also an Executive Session to discuss personnel.

Mr. Garman said that he recently saw Officers Stock, Holben and DeLozier playing basketball with area youth which he said was awesome to see.

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

- b. **Public Works** – Mr. Grassley referred to his written report and noted the report only represents some of the things that they do in a month. He added that they are currently helping to determine the location of a water leak at the Designer Place building at VF.

Moved by Mr. Lincoln and seconded by Ms. Kramer to approve the Public Works Director's Report.
Motion carried 7-0.

- c. **Fire Department** – Deputy Chief Chad Moyer referred to Chief Burkholder's written report and noted that there were no action items. Mr. Garman noted that Chief Burkholder always mentions the flow testing that needs to be done in his report each month. Mr. Unger said that SDE could provide pricing for that testing, therefore it was **Moved** by Mrs. Kulesa and seconded by Ms. Kramer to develop a price for the ISO flow testing. **Motion carried 7-0.**

Moved by Ms. Kramer and seconded by Mrs. Kulesa to approve the Fire Department Report.
Motion carried 7-0.

d. **West Reading Community Revitalization Foundation**

Elm Street and Main Street Manager' Report – Mr. Rohrbach referred to their written report. The following was discussed:

- A member of the CRF Board has won a 'Townie' award which will be presented at the PDC Conference in Allentown on June 14th.
- The Earth Day event was a tremendous success with almost 475 hours of labor being provided by 86 volunteers. Almost ½ ton of trash was collected.
- There was some discussion concerning the 2016 CRF agreement, whether it has been approved and signed by both parties. It was also noted that the only disbursement from the Borough was an invoice in the amount of \$13,898.49. Much discussion ensued concerning this issue. Mr. Garman indicated that he would attend the next CRF meeting.
- Mrs. Kulesa asked what had happened to Jazz on the Avenue and Mr. Rohrbach said that it has not been a success due to a variety of factors therefore different events will be established in future.

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

10. **COMMITTEE/COMMISSION REPORTS:**

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

- The Father Daughter Dance was a tremendous success with more tickets being sold than ever before. She thanked everyone who helped with the event, particularly Public Works and the Fire Department.
- Permission was requested to hire three new lifeguards – Hunter Niedrowski, Shuyang Wen, Evan Polyak. **Moved** by Ms. Kramer and seconded by Mrs. Kulesa to hire three lifeguards at \$7.25 per hour. **Motion carried.**
- Four residents of the Borough have submitted letters of interest for membership on the Recreation Commission – Jill Siggins, Jessica Brown, Erica Spengler and Stephanie Pfeifer. **Moved** by Mrs. Kulesa and seconded by Ms. Thompson to approve the four new members of the Recreation Commission. **Motion carried.**
- The pool will be open for Memorial Day weekend.
- There was a question concerning lawn care and Mrs. Moyer explained that Berks Catholic has paid to have Tomlinson Bomberger fertilize the field four times per year.

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

Mr. Garman spoke about the use of the utility vehicle owned by the CRF. He felt that the best use for it would be at the Park. Discussion ensued concerning other uses as well and where it should be kept. Because it is not legal to be driven on the street, the municipal license plate will be removed and taken to Borough Hall.

- b. **Planning Commission** – Mr. Wert referred to the minutes and spoke about the Comprehensive Plan. He noted that he had spoken with the managers from the partnering communities in the Plan (Wyomissing, Sinking Spring and Spring Township) who are amenable to the idea of updating the plan. An approximate cost for the project according to the County is \$24,000.

Mr. Haws also noted that the Subdivision and Land Development Ordinance is currently being reviewed by the Berks County Planning Commission who requires 45 days for the review. **Moved** by Mr. Lincoln and seconded by Ms. Kramer to authorize advertising of the Subdivision and Land Development Ordinance Public Hearing which will be held at 6:30 on June 21st. **Motion carried 7-0.**

Moved by Ms. Thompson and seconded by Ms. Craze to approve the Planning Commission report. **Motion carried 7-0.**

- c. **Economic Development Committee** – Mr. Wert stated that the minutes had been prepared by Ms. Horman however they did not make the packet. There were no action items, therefore the minutes will be approved at the next meeting.
- d. **Environmental Advisory Committee** – Mr. Wert stated that there are funds available to do an energy audit of the Borough's facilities therefore Committee member Amber Rambo will be looking into the possibility of moving forward with the audit.

Moved by Ms. Thompson and seconded by Ms. Craze to approve the Environmental Advisory Council report. **Motion carried 7-0.**

- e. **Traffic and Infrastructure Committees** – Mr. Lincoln referred to the minutes and spoke about the issue of truck traffic in residential streets and noted the proposed ordinance. Discussion ensued regarding the list of restricted streets and it was noted that local deliveries would not be prohibited. Mr. Garman also noted that tractor trailers are using 7th Avenue to make deliveries to the Hospital. It was noted that they should be using Museum Road and S. 5th Avenue.

Moved by Ms. Craze and seconded by Ms. Thompson to approve the Traffic Committee report. **Motion carried 7-0.**

Concerning the Infrastructure meeting, Mr. Lincoln spoke about one action item concerning street trees and curbs/sidewalks. He noted that at the June meeting a product will be demonstrated that may help with the issue of trees roots and sidewalks. Mr. Lincoln also noted that it was the recommendation of the Committee that a moratorium be placed on sidewalk repairs related to tree damage, until a solution is found. Discussion ensued about the importance of having mature trees in an urban environment and the value they add in so many ways, which is why it is detrimental to remove a healthy mature tree simply because it has outgrown its space.

Also discussed were the back plates at signal lights which Mr. Grassley will look into by contacting Telco for pricing. Options for the lighting at intersections with Penn Avenue was also discussed, with possible solutions being utilized such as replacing the heads with LED lighting, or by adjusting the lenses to cast more light toward the intersection. Another option would be to add additional lighting on the streets north and south of Penn Avenue as was done on 5th Avenue.

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Infrastructure Committee report. **Motion carried 7-0.**

- f. **Shade Tree Commission** – The May meeting was not held. The vacancy on the Commission will be advertised on the website.

- g. **Finance Committee** – Ms. Thompson and Ms. Craze will meet at 1:00 p.m. on May 18th. Discussion ensued about the importance of the Committee and adopting an enabling ordinance, as well as adding to the membership in a professional (but voluntary) capacity. The addition of accounting specialist Ms. Renninger to the Committee is important as well. It was suggested that the proposed ordinance should be amended to include an accounting specialist as a member of the Committee.
- h. **Safety Committee** – There were no questions concerning the minutes.

Moved by Mr. Wert and seconded by Ms. Kramer to approve the Safety Committee report. **Motion carried 7-0.**

- i. **Personnel Committee** – Mayor Rodriguez stated that a list of candidates for the Public Works department has been compiled. Timeclocks were also discussed however due to the cost of the timeclock recommended by the payroll company, other alternatives have been researched and information was provided in the Council packet. This was discussed at length as well as other issues between Ms. Craze and the Public Works department.

Mr. Garman indicated that the timeclock issue would only be brought to Council once a decision has been made by the Personnel Committee.

- j. **Police Pension Committee** – Chief Powell stated that the Committee met with Joe Scott, who works with PSAB, concerning the RFP for both pensions. Mr. Scott will be preparing the RFP at no cost to the Borough. Once approved by the Committee, the RFP will be advertised for three to four weeks. Interviews will then be held and a recommendation made to Council.

Chief Powell also noted that the West Reading Police Officers Association, with the Committee's agreement, has recommended that outside legal counsel be utilized to review the losses to the Police Pension fund in 2015 in the amount of \$676,000. A letter from the Association has been submitted to Council regarding this request. This will be discussed in Executive Session.

Moved by Mrs. Kulesa and seconded by Ms. Kramer to approve the Pension Committee report. **Motion carried 7-0.**

11. TREASURER'S REPORT:

- a. **Revenues with Comparison to Budget** – **Moved** by Mrs. Kulesa and seconded by Ms. Kramer to approve the Revenues with Comparison to Budget Report for the four months ending April 30th. **Motion carried 7-0.**
- b. **Payment Approval Report** – **Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve the Payment Approval Report for the periods of 4/20/2016 – 5/13/2016 and 5/14/2016 – 5/17/2016. **Motion carried 7-0.**

12. EXECUTIVE SESSION:

Council recessed to Executive Session at 11:16 p.m. to discuss personnel and potential litigation. When the meeting reconvened at 12:24 a.m., the following actions were taken:

Moved by Mrs. Kulesa and seconded by Ms. Kramer to authorize Barley Snyder to recommend a counsel to investigate the Police Pension losses. **Motion carried 7-0.**

13. **PUBLIC COMMENT:**

James T. Rogers stated that he had requested access to the new Concession Stand however because of the ongoing construction, was denied without Council's permission. Council then approved Mr. Rogers request.

14. **ADJOURNMENT:**

Moved by Ms. Kramer and seconded by Ms. Thompson to adjourn the meeting at 12:30 a.m. **Motion carried 7-0.**

Respectfully submitted,

Cathy Hoffman
Borough Secretary

Date: 14 May 2016

To: All West Reading Borough Council Members and the Mayor

From: Suzanne Thompson, Member, West Reading Borough Council

Re: The Current Proposed Change to Ordinance No. #1056

As it stands now, The Borough Council, by a majority vote, establishes the Borough's ordinances, by-laws, regulations, etc., controls the acquisition, administration and disbursement of all monies and resources, and is solely authorized to employ and/or terminate staff. In brief, the Borough Council legislates, administers and allocates.

The Mayor, as the executive, independently oversees the enforcement of ordinances, regulations, etc., established by the Borough Council. As such, he oversees the Borough's enforcement agents: the Codes Department and the Police Department and may exercise certain emergency powers. However, he routinely has no vote on Council. He may, at his discretion, suspend an employee for a period of not more than 10 days, but he cannot terminate anyone.

The above is, in essence, the traditional configuration of separation and limitation of powers employed at virtually every level of United States government and is designed to prevent an undue concentration of power in one part of an entity that might act to the detriment of the whole - a crucial, interdependent system of checks and balances intended to maintain the integrity of the public entity.

I believe a major impetus for this ordinance change is rooted in the near past when a particular West Reading Mayor apparently commandeered a great deal of power and it is widely believed that his overreach worked greatly to the detriment of this Borough. However, it would seem that he could not have achieved that all by himself.

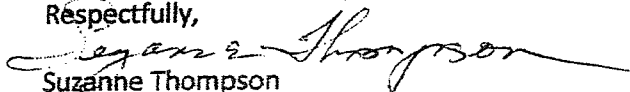
It stood then - as it does now - that Codes or police employees with a grievance about the Mayor's conduct or direction had the right to petition the Council directly - an independent body of appeal - knowing that the Mayor had no power to terminate that employee for doing so.

Did codes or police personnel come to Council with concerns about the Mayor's direction? Did Council muster up sufficient votes to 'check' that Mayor's overreach?

Those protections, however perhaps unexercised in the past, will cease to exist with restated Ordinance #01056. No checks, no balances. The Council, through a Borough Manager who is not independently elected but only serves at the will of the Council will hold sway over all.

It may be that the powers that the Mayor might exercise in the strict reading of the ordinance should be revised to reflect the more contemporary context in which codes interacts in West Reading, and we might write an ordinance that would reflect that. I believe that simply changing a few words, thereby 'unifying' the separation of powers, is not the answer.

Respectfully,


Suzanne Thompson

Request that this document be included with the minutes of this meeting.