

BOROUGH OF WEST READING – BOROUGH COUNCIL

July 15, 2014 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, July 15, 2014 with the following persons present: Council President James J. Gallen, Jr.; Vice President Philip C. Wert; Council Members Grace Craze, Carl Garman, Elizabeth L. Heckler, Deborah Hutcheson, Nathalie R. Kulesa; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Elm Street Manager Dean L. Rohrbach; Public Works Director Dean E. Murray; Recreation Coordinator Helen Moyer; Borough Engineer Tom Unger; Administrative Assistant Cathy Hoffman. Chief Code Enforcement Officer Tracey L. Levering was unable to attend.

VISITORS:

James T. Rogers	Resident
James & Karen Livingood	Residents
Ruth Cardell	Temple
Henry Diener Jr.	Resident
Jacob Diener	Resident
Oswald Herbert	Resident
Bryce Matthews	Resident
Marcy Wilkes	Resident
Amber Rambo	Resident
Terry Siggins	Resident
Tina Shenk	Property Owner
Valcis Lacis	Reading Eagle

1. **CALL TO ORDER:** Council President James Gallen called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.
2. **PUBLIC COMMENT:**
Amber Rambo spoke about the recent '2nd Friday' event and the negative effect that a roofing company's placement of equipment had on the event. She said that their presence disrupted parking, and created a dangerous situation with pedestrians being forced to walk in the street because of the roped off sidewalks. She recommended that changes be made to ensure that this type of situation doesn't happen again.

Marcy Wilkes complained the vacant house next to her home on Chestnut Street that is in severe disrepair and has broken windows, unlocked doors, tall weeds and mold in the basement. She asked that Council do something to rectify the situation as soon as possible.

It was noted that the Borough Manager Rich Sichler, Mayor Valentine Rodriguez and Borough Engineer Tom Unger have already visited the property. Mr. Rohrbach added that the property is owned by an investor in Massachusetts and had been considered for purchase under the PARR project however there is \$140,000 in liens against the property, making it unattainable. It was also noted that it may be a good test subject for the new enacted Neighborhood Blight Reclamation and Revitalization Ordinance that would allow the extradition of the owner and ensure that he takes care of the property and any amounts owing.

Mr. Unger stated that a notice of violation has been sent to the owner and a contractor will be mowing the grass. A second notice of violation addresses the windows and the maintenance of the building, etc. This was sent in accordance with property maintenance requirements to make it an

official notification of violation. If the required changes are not made, the matter will be sent to the District Justice for citation. It was also noted that people are going in and out of the building therefore the solicitor will be working on gaining legal entry to the property by obtaining a warrant. This will allow the house to be boarded up but only after the mold has been mitigated.

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to authorize Mr. Sichler, Mr. Unger and Mr. Becker to obtain a warrant for the property at 425 Chestnut Street and begin the process to resolve the issues. **Motion carried.**

James T. Rogers asked about the Codes Department now being under the jurisdiction of the Mayor rather than Council as it was in the past. He asked if the Borough Code permits this and how it came about. Mr. Becker responded that the Borough Code does allow the Mayor to take charge of the Codes Department. Mr. Wert added that the Borough Codes states that it is the duty of the Mayor to enforce all ordinances and regulations of the Borough.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Ms. Craze and seconded by Mr. Garman to approve the Council meeting minutes of June 17 and the special meeting minutes of July 2nd, 2014. **Motion carried.**

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

- a. Resolution 2014 – 5; Sewer Surcharges - Mr. Sichler noted that the Joint Municipal Authority of Wyomissing Valley sets this rate on an annual basis which is assessed to large dischargers that have strong waste as noted in the resolution. **Moved** by Ms. Craze and seconded by Mr. Wert to adopt Resolution 2014-5 to accept the rates as directed by the Joint Municipal Authority. **Motion carried.**

5. **UNFINISHED BUSINESS:**

- a. Sidewalk Ordinance Amendment (Planting Strip) – Mr. Sichler said that this was distributed earlier but has not been discussed at length and it was suggested that it be referred to the Infrastructure Committee for their consideration. It was noted that the Committee will not meet again until September 10th, and Mr. Wert asked that the Infrastructure Committee bring a recommendation to Council at the September meeting. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to refer the proposed ordinance to the Infrastructure Committee. **Motion carried.**
- b. Zoning Ordinance Amendment & Public Hearing – Mr. Becker reminded everyone that the public hearing was to have been held however another amendment concerning fences was proposed therefore that portion had been sent to the Berks County Planning Commission for their review. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to authorize the advertisement of the ordinance and set the date for the public hearing as Tuesday August 19th at 6:30 p.m. **Motion carried.** This is of course contingent upon receiving the County's review letter prior to the hearing.
- c. Noise Ordinance - Mr. Wert said that he had some concerns about the hours of use for domestic power tools which is limited to 8 a.m. to 5 p.m. on Saturdays and Sundays. Some felt that residents should be able to use power tools including landscaping equipment after 5 p.m. on the weekend. After considerable discussion it was determined that the proposed ordinance hours will be stated as 8:00 a.m. to 9:00 p.m. every day of the week. **Moved** by Mr. Garman and seconded by Mrs. Kulesa to authorize the advertisement of the proposed Noise Ordinance with the change as noted above. **Motion carried.**

- d. Curfew Ordinance – Chief Powell noted that the proposed curfew ordinance would pertain only to school children who are subject to compulsory attendance, and will allow officers to return them to school if they are absent without parental consent. This ordinance would not pertain to truancy or night curfew situations, and any citation would be issued to the child and not the parent therefore the parent is not held responsible. **Moved** by Ms. Craze and seconded by Mr. Garman to authorize the advertising of the proposed curfew ordinance. **Motion carried.**
 - e. 'Red Light' Enforcement Grants – Chief Powell said that the grant has been submitted but nothing has been heard back as yet. 'In kind' services such as line painting were identified and included with the grant therefore the total between the approved monetary match and the 'in kind' match is about 30% of the funds being requested.
6. **CONSULTANTS' REPORTS:**
- a. Solicitor's Report – Mr. Becker reported concerning the following
 - The Belovich properties are scheduled to be included in the August 8th foreclosure sale which will then allow the Bank to take possession of the properties.
 - General Codes is recommending that some of the outdated ordinances be removed from the Borough's Code of Ordinances. He recommended that one of Committees review the ordinances in question and it was decided that the Mayor's Advisory Committee would review the list.
 - The Environmental Advisory Council has been discussing the existing animal ordinance and Mr. Wert noted that many recommendations were made. It was decided that the Planning Commission will review the ordinance with Mr. Becker's assistance, and recommendations will be brought to Council.
 - An Executive Session is necessary.

Moved by Ms. Craze and seconded by Mr. Wert to approve the Solicitor's Report. **Motion carried.**
 - b. Engineer's Report – Mr. Tom Unger thanked Council for appointing him as BCO and Zoning Officer and noted that he has been in the Codes office for a week and that it has been very busy. He referred to his written report however there were no questions.

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Engineer's Report. **Motion carried.**
7. **BOROUGH MANAGER'S REPORT:**
- a. Revenue Review – Mr. Sichler referred to the document that he had prepared for Council showing where the revenue has come from during the past six months and provided comment which compared the revenue totals to the totals for 2013. One thing of note was the decrease in water revenue which reflects the overall decrease in water usage (about 10%). Mr. Sichler said that he foresaw this decrease and ensured that the budget for 2014 had reflected it.
 - b. Kent Way Water Main Replacement Project – This was postponed at last month's meeting to ensure that the fund were in place to proceed with the project. Mr. Sichler noted that the only question remaining is the funding from the Hospital (about \$600,000) which is still undetermined because the agreement has not yet been signed.

Mr. Sichler noted that the low bid for the project was \$282,839 and that \$310,000 had been budgeted through these line items:

01-462-540	W.R. Elm Street – Roads/Streets	\$ 130,000
01-462-542	W.R. Elm Street Project (W&S)	\$ 50,000
06-481-800	Capital Water Project	\$ 100,000
08-481-800	Capital Sewer Project	\$ 30,000
Total Budgeted Amount		\$ 310,000

A. H. Moyer, Inc. had included the following as part of the project:

Utility Work	Water line replacement	\$ 161,115
Paving	To restore the streets after digging	\$ 90,724

*The following items are for the 200 block only where sweet gum trees have disturbed underground utilities, sidewalks, driveway aprons and curbs, and are optional:

Curb Work	Replace a few concrete curbs with tree plates	\$ 7,200
Driveway Aprons	Replace 2 aprons	\$ 2,100
Sidewalk	Replace a few panels that are heaved	\$ 6,300
Tree Removal	Remove 11 sweet gum trees & grind stumps	\$ 15,400

<u>Construction Management (8%) Fee</u>	<u>\$ 22,627</u>
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Total Project	\$ 305,466
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There was some discussion about sidewalk replacement and the fairness of replacing certain panels when other residents throughout the Borough are required to pay for sidewalk replacement. Mr. Sichler noted that this is why it is optional and will require Council's approval. Mr. Unger noted that making the decision to replace certain sidewalk panels had a great deal to do with how pervasive the roots have become. Mr. Sichler noted that the Shade Tree Commission also has recommended the removal of the sweet gum trees.

Mrs. Kulesa asked if other residents on the block will be given the opportunity to replace their sidewalks at a reduced rate because it is being done at the same time as the project. Mr. Sichler said he could get a unit price from A.H. Moyer and present the option to residents. It was noted that this would have to be arranged through the resident and contractor and that the Borough would not be involved. Mr. Unger said that the pricing in the bid is \$42 per square yard.

Moved by Mr. Garman and seconded by Ms. Craze to authorize the work on Kent Way as presented. **Motion carried.**

Moved by Mrs. Heckler and seconded by Mrs. Kulesa to approve the Borough Manager's Report. **Motion carried.**

8. **MAYOR'S REPORT:**

Mayor Valentin Rodriguez referred to his written report and spoke about the following:

- He and Mr. Wert met with Chip Lutz, owner of the West Reading Shopping Center concerning parking. As a result, Walker Parking Consultants was contacted concerning a possible parking study, the first part of which will cost \$18,300. Mayor Rodriguez said that it is hoped that the Wyomissing Foundation will be able to bear the cost therefore the proposal will be discussed by the West Reading Community Revitalization Foundation, with the request for assistance coming from them. He encouraged Council to study the proposal.
- The Narrow Fabric building has been purchased by Kevin Hughes of Longview Construction

and discussions have occurred concerning special loan programs that may be possible through DCED as well as the Keystone Enterprise Zone.

- Tom Unger, Borough Engineer (and SDE, Inc.) was temporarily appointed (at a special meeting) to fill the BCO and zoning needs due to the leave of absence by the Codes Official.
- Mayor Rodriguez attended a ribbon cutting ceremonies for new businesses Leo Design Gallery (9 S. 4th Avenue) and Chatty Monks Brewing Company (610 Penn Avenue).

Mr. Garman asked if spending \$18,300 on a parking study is necessary, given that the funds could be used elsewhere, although acknowledging that it would be grant funding. Mr. Wert responded that this could be a possible means of alleviating some of the parking problems in the Penn Avenue area. The study will determine what the best solution is for the Borough. Mr. Wert added that Walker Consultants are purported to be the best in the world at what they do which is why he and Mayor Rodriguez had met with them.

Moved by Ms. Hutcheson and seconded Mrs. Kulesa to approve the Mayor's Report. **Motion carried.**

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – There were no questions concerning the written report which was submitted by Mrs. Levering prior to her leave of absence.

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve the Code Enforcement Officer's Report. **Motion carried.**

- b. Police Department – Chief Powell noted the following as part of his report:

- A handicapped parking space has been requested at 407 Sunset Road. There are currently no spaces on that block therefore a space can be allocated. He noted that it would be across from where Ann Street terminates therefore it can be permitted as a 'mid-block' corner.

Moved by Ms. Craze and seconded by Ms. Hutcheson to advertise the amendment to the ordinance for the handicapped parking space at 407 Sunset Road.

In favor of the motion – Mrs. Kulesa, Ms. Hutcheson, Ms. Craze, Mr. Garman, Mr. Wert,
Mr. Gallen

Against the motion – Mrs. Heckler

Motion carried

- The Civil Service Commission met on Monday July 14th and voted to amend the Civil Service Regulations concerning consortium testing. If approved, it will give the Borough the opportunity to participate in group testing of potential candidates which streamlines the process and is more cost effective. The Commission has approved the proposed amended regulations and is requesting Council's approval. **Moved** by Ms. Craze and Mrs. Kulesa to adopt the Civil Service revisions. **Motion carried.**
- A report has been received from the security camera consultant and the pricing to accomplish what they wish to do is out of range at this point therefore a submission will be made to the Wyomissing Foundation to see if additional funding is possible. The quote includes the intersections at 4th, 5th and 6th Avenues, as well as the area from the middle of the 300 block of Penn Avenue down to the bridge. The amount for this is about \$130,000 however only \$39,000 has been set aside at this point. More information will be forthcoming.

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

- c. Public Works – Mr. Murray had nothing to add to his written report. There were a few questions, particularly one concerning the Liriope that is planted in the median and planting streets on the 200 block of Penn Avenue. Ms. Hutcheson also thanked the crew for their help during the Art on the Avenue event.

Moved by Mr. Garman and seconded by Ms. Craze to approve the Public Works Director's report
Motion carried.

- d. Fire Department – Chief Burkholder said that Council had received an expanded version of his report this month. He also asked to have Police Officer Chad Marks appointed as Fire Marshall and Jason Ganster appointed as Deputy Fire Marshall. Chief Burkholder noted that this has become necessary because Mr. Ganster is unable to keep up with the responsibilities of the office and wishes to step back. Also, Officer Marks is in the process of being appointed Fire Marshall through the State. Council requested that a letter from Mr. Ganster be received before the change is made.

Chief Burkholder also spoke about the importance of fire apparatus being able to have access to Penn Avenue during events where the street is shut down or partially shut down such as the Farmers' Market. He noted the recent 'Art on the Avenue' event where the stage was blocking the middle of 4th Avenue at Penn Avenue. He said it is vital that all fire hydrants are not blocked and that a 12 foot aisle in the center of street is kept clear of any structures. Per Ms. Hutcheson's request, Chief Burkholder said he would provide a map of Penn Avenue showing the location of the hydrants and the aisle that needs to be kept clear. Ms. Hutcheson will then bring the information to the Business Association's promotion group.

Moved by Mr. Garman and seconded by Mrs. Kulesa to approve the Fire Chief's Report. **Motion carried.**

- e. Elm Street – Mr. Rohrbach said he had distributed his report just prior to the meeting, and highlighted the following information:
- The upcoming Let's Paint The Town event has received some very favorable press
 - On July 22nd the District Director of DCED will be visiting the Borough to discuss reinstituting the 'Main Street' designation which is important because the streetscape improvements on Penn Avenue are beginning to show their age. Unless state funding is secured to take on current and future repairs, the taxpayers of the Borough will be shouldering the responsibility. He asked everyone to attend this meeting as a show of support. Due to the lack of an officially designated Main Street, funding is not currently attainable.

Moved by Ms. Craze and seconded by Ms. Hutcheson to approve the Elm Street Manager's Report. **Motion carried.**

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Helen Moyer noted the following action items:
- Kristin Hawley is the newest member of the Recreation Commission and replaces a member who moved from the Borough.
 - Permission is requested to allow a fund raising table at the Moonlight Swim in support of a seven year old with leukemia. Pool proceeds will not be donated.

Moved by Mrs. Heckler and seconded by Mrs. Kulesa to appoint Kristin Hawley to the Recreation Commission. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Ms. Hutcheson to approve the fundraising for Jacob at

the Moonlight Swim on July 25th. **Motion carried.**

Mr. Unger also noted that the permit application has been submitted to DEP concerning the pool wall.

Mr. Sichler also reported about the proposed parking lot that has been suggested for the corner of Museum Road and Parkside Drive South, which is in the City of Reading but on Borough owned property. Recreation would like to see the lot created to provide a place for pool patrons to park which would free up space on residential streets. Also, the Reading Museum and Reading Hospital are willing to partner with the Borough, through the Wyomissing Foundation, to fund the project. This would give them the opportunity to use the parking area when needed.

The initial proposal, which was reviewed by both the Planning Commission and Recreation Commission, showed a much larger lot, and it was recommended by both Commissions that it be scaled back. Mr. Sichler took those recommendations back to the Wyomissing Foundation and they redrew the plan for 50 spaces which is what was presented to Council.

Much discussion ensued and concerns were raised about the use of recreation land to accommodate a parking lot that would be used by other parties.

Mr. Sichler said that the next step would be for an engineer to prepare detailed drawings which would cost approximately \$75,000 therefore Council must agree to proceed in concept before the next step is taken. Because this involves other organizations, it was requested that the Wyomissing Foundation meet with Council to discuss the matter further, therefore Mr. Sichler will ask them to attend the next Council meeting.

As a final note, Mrs. Moyer thanked the Fire and Police Departments for their assistance with the 4th of July Fireworks, and reminded everyone about the Pig Roast on August 9th.

Moved by Mrs. Kulesa and seconded by Mr. Garman to approve the Recreation Commission minutes. **Motion carried.**

- b. Planning Commission – Mr. Wert stated that there were no other issues from the meeting that have not already been discussed and there were no questions concerning the minutes.

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

- c. Shade Tree Commission – Mr. Sichler said that the Commission had approved five trees for removal.

Moved by Ms. Hutcheson and seconded by Ms. Craze to approve the Shade Tree Commission report. **Motion carried.**

- d. Traffic Committee – Ms. Craze said she had been asked by a resident if ‘slow’ could be painted on Kline Street because of the vehicles that are driving fast while children are playing in the alley. Mr. Sichler said they could discuss painting the sign on the street, and Mr. Wert talked about traffic calming devices including speed bumps and PennDOT’s view on the subject. He felt that discussion needs to take place with PennDOT to see what they will approve.

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Traffic Committee report. **Motion carried.**

- e. Environmental Advisory Council – Mr. Sichler said he had met with the DEP Recycling Coordinator who has encouraged the Borough to apply for a grant to improve recycling at events which would include bins, as well as a vehicle and trailer to carry them. Because the Borough

has just purchased a dump truck, it can be used as the match for the grant funds therefore there will be no additional costs. The grant could also cover new recycling containers and potentially fund a back hoe that can be used to move yard waste at the Borough Garage. Mr. Sichler said he would submit the grant unless Council had objections. There were none therefore the grant will be submitted by August 15th.

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Environmental Advisory Council report. **Motion carried.**

- f. Safety Committee – There were no questions concerning the report.

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

- g. Economic Development Committee – Ms. Hutcheson reported that the Committee had just met on July 14th therefore there no minutes available. They did discuss the Narrow Fabric property as well as the dilapidated homes in the Borough. She also spoke about the brochure that had been distributed to Council that will help with the Zoning/Codes processes when opening a business in the Borough. She asked for permission to print 2000 of the brochures which will cost about \$400. **Moved** by Mrs. Kulesa and seconded by Mr. Wert to authorize Mr. Sichler to find the funds to print the brochure, in an amount not to exceed \$500. **Motion carried.**

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Economic Development Committee report. **Motion carried.**

11. **TREASURER'S REPORT:**

- a. **Moved** by Mrs. Kulesa and seconded by Ms. Hutcheson to approve the Revenues with Comparison to Budget Report for the 6 months ending 6/30/2014. **Motion carried.** Ms. Craze said she had some questions but that she would meet with the Treasurer to discuss them.
- b. **Moved** by Ms. Hutcheson seconded by Mr. Wert to approve Payment Approval Report for 6/18/2014 – 7/11/2014 and 7/12/2014 – 7/15/2014. **Motion carried.**

12. **PUBLIC COMMENT:**

Amber Rambo asked if the white line could be repainted for the left turn lane on Parkside Drive N. as it approaches Museum Road. Mr. Murray said that because of the concerns for safety with the heavy truck traffic they have not been able to paint that line, but Chief Powell said they could assist to ensure their safety while painting, therefore it will be done.

Jim Rogers asked about the street cleaning in the area of the hospital and on Museum Road and noted that the sweeper that is being run by the Hospital is not doing a good job. Mr. Murray said that the Borough's sweeper has not been functioning properly therefore they have only been able to take care of the posted streets.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:42 p.m. When the meeting reconvened at 10:08 p.m., no action was taken.

14. **ADJOURNMENT:**

Moved by Ms. Craze and seconded by Ms. Hutcheson to adjourn the meeting at 10:08 p.m. **Motion carried.**

Respectfully submitted,
Cathy Hoffman
Administrative Assistant

