

BOROUGH OF WEST READING

BOROUGH COUNCIL MEETING

May 22, 2019 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Wednesday, May 22, 2019 with the following persons present: Council President Nicholas Imbesi; Council Vice President Philip Wert; Council Members Christopher Lincoln, Nicholas Gardecki, Patrick Kaag; Mayor Andrew Kearney; Solicitor Keith Mooney; Police Chief Stephen Powell; Public Works Crew Leader Kerry Grassley; Recreation Director Helen Moyer; Engineer Tom Unger; Treasurer Jeanette Rentschler; Borough Manager Cathy Hoffman and Assistant Borough Secretary Cynthia Madeira. Council Member Suzanne Thompson, Fire Chief Mark Burkholder, and Main Street Manager Mark Ratcliff were unable to attend.

VISITORS:	Oswald Herbert	Resident
	James Rogers	Resident
	Ammon & Elizabeth Heckler	Residents
	Jason Ulrich	Resident
	Douglas Zeeger	Resident
	Karen Livingood	Resident
	Samantha Kaag	Resident
	Jennifer Bressler	Resident
	Martie Samuel	Business Owner
	Anthony Tucci	Western Berks Ambulance
	Troy Hatt	Fire Code Official
	Reading Eagle Reporter	

1. **CALL TO ORDER:** Council President Nicholas Imbesi called the meeting to order at 7:00 p.m., which was followed by Roll Call and the Pledge of Allegiance.
2. **PUBLIC COMMENT:** Martie Samuel of Farm House Kitchen spoke of the recent Armed Forces Day Parade event where no parking signs were placed on Thursday prior to the Saturday morning parade indicating that parking along Penn Avenue would be prohibited from 7:00 a.m. to 8:00 p.m. Ms. Samuel felt that this would cause customers visiting the Borough on Thursday or Friday to note avoidance of the area on Saturday due to limited parking. Ms. Samuel noted that parking had become available by noon on Saturday and requested more accurate no parking signage for the various events along Penn Avenue. Mr. Grassley and Chief Powell noted generic no parking signs were created to avoid the need to replace paper signs due to weather conditions. Mr. Imbesi indicated that the Traffic and Infrastructure Committee would review options to provide signage to better suit event timeframes.

Mrs. Heckler inquired as to recent discussions to move the Christmas Tree Lighting Ceremony to the Playground area and expressed concern for attendees to visit Santa Clause and the business district. Mrs. Moyer indicated that there was a brief discussion during the recent Recreation Commission meeting, however there is no recommendation at this time.

Mrs. Heckler inquired as to who would be overseeing the use of Borough planters that were previously overseen by Dean Rohrbach. Mr. Wert stated that he would discuss this oversight with the West Reading Community Revitalization Foundation (WRCRF) to appoint an alternate contact to oversee the planter use.

Mr. Rogers noted his recent review of the adopted amendment to the Business Privilege Tax, which caused a decrease of 50% in revenues. Following a review of Council minutes dating back to 2017 it appears that a representative of the Wyomissing School District attended a Council meeting to

request a joint amendment to the tax structure. Mr. Imbesi noted numerous discussions where Council was assured that an amendment to this legacy tax would not affect the rate only the manner in which the tax was collected and also noted ongoing discussions with Berks Earned Income Tax in an attempt to resolve the matter.

Mr. Rogers inquired as to the amount of money that has been allocated to the Police Pension fund during 2017 and 2018 to ensure enough funds are available to cover the three retirees that are currently collecting a pension. Mr. Imbesi stated that the Borough is legally obligated to contribute to this fund, however Mr. Rogers would need to request this information from the Treasurer during normal business hours.

Mr. Heckler inquired as to reimbursement of Police and Public Works Department time to assist the WRCRF during events. Mr. Imbesi indicated that the Borough's investment/contribution to these not for profit events generates revenue for Borough businesses, which are returned to the Borough through taxes. Mr. Imbesi also indicated that all expenses incurred for profit type events are passed onto the event coordinator.

As requested by Council Member Suzanne Thompson in her absence, Mr. Herbert read a letter from Ms. Thompson that requested tabling approval of the April 16, 2019 Council minutes. Mr. Herbert indicated that Ms. Thompson mailed the letter by certified mail to Council President Imbesi's attention yesterday, which had not yet been received. Ms. Thompson wrote that a rather substantial comment is reflected in the minutes that she does not recall during Mr. Herbert's public comment regarding the Business Privilege Tax. Ms. Thompson further wrote that if Council takes action to approve these minutes that she would invoke her privilege to preserve the minutes to provide her the opportunity to review the recording in its entirety.

Mr. Herbert stated that he alluded briefly last month to Ordinance 1101, and his intent was to discuss the details further during the following Finance meeting, which was cancelled. Due to this cancellation Mr. Herbert read a paragraph from Ordinance 1101 pertaining to categories that taxes are assessed, two categories were omitted from this paragraph. Mr. Herbert then noted Mr. Imbesi's comment during the previously held Finance Committee meeting that he was unaware of this discrepancy and a few days later during a Council meeting Mr. Imbesi stated he was in communication with Berks EIT. Mr. Imbesi stated that due to possible litigation the topic was not to be discussed during a Finance meeting. Mr. Herbert disputed this, stating that during Council meetings topics of Executive Session are noted as such.

Mr. Tucci of Berks Western Ambulance provided a report for the month of April 2019, which indicated 221 incidents within the Borough with 198 transported. Chief Powell noted that during the Armed Forces Day Parade a Marine Veteran had collapsed at the Sixth and Penn Avenue intersection and later passed away. The gentleman's comrades requested that gratitude be given to the first responders, one of which was Western Berks Ambulance.

3. **COUNCIL VACANCY:**

Mr. Imbesi announced and read Council Member David Amato's letter of resignation due to him relocating out of the Borough.

Motion to accept Council Member David Amato's resignation. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

Mr. Imbesi noted that the vacancy would be advertised; interviews and appointment of a new Council member would take place during the June Council meeting. This appointment would expire

on December 31st with the two-year term being added to the November ballot by the Democratic and Republican parties.

4. **APPROVAL OF MINUTES:**

Due to Ms. Thompson's written request read aloud by Mr. Herbert, Mr. Imbesi asked the Solicitor how this should be handled. Mr. Mooney stated the approval or tabling of these minutes must take place, however in either case the recording of the minutes should be preserved.

Motion to table the approval of the April 16, 2019 Council minutes. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

Motion to approve 739 Reading Avenue Conditional Use Hearing minutes of April 16, 2019. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

5. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance 1108 Temporary Loading Zone Amendment** – An amendment to add a temporary loading zone parking space within the 600 block of Cherry Street on the north side.

Motion to adopt Ordinance 1108. **Moved** by Mr. Kaag and seconded by Mr. Gardecki. **Motion carried 5-0.**

- b. **Ordinance 1110 – Off-Street Metered Parking Amendment** – An amendment to the violation and penalty fine from \$25 to \$15.

Motion to adopt Ordinance 1110. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

- c. **Resolution 2019-6 Fixing Charges for Industrial Wastes** – Amendment to the fees charged to businesses that produce industrial waste.

Motion to approve Resolution 2019-6. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 5-0.**

6. **CONSULTANT'S REPORTS:**

- a. **Solicitor's Report** - Mr. Mooney referred to the written report and noted an action item to approve the Conditional Use Decision regarding Tower Health signage request for 739 Reading Avenue, Building 202. In the absence of the documentation being provided to Council for review, Mrs. Hoffman and Mrs. Madeira previously reviewed the decision and found the information to be stated accurately as reflected in the Conditional Use Hearing minutes. The decision must be provided to the applicant within sixty days following the hearing. Mr. Wert noted that Council would not meet again until June 18th, which would be beyond the sixty-day limit.

Mr. Gardecki inquired as to the avenue to enforce the conditions to request dimming or timing of lights. Mr. Mooney stated a notice of violation would be submitted by the Zoning Officer allowing time to make the requested changes. Should the applicant fail to honor the request, a civil citation would be filed with the local Magisterial District Judge.

Motion to approve the Conditional Use Decision. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

Motion to approve the Solicitor's report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

- b. **Engineer/Code Enforcement Report** – Mr. Unger referred to the written report and noted the following:

- Fifth Avenue/Museum Road Paving Project has been completed. A preliminary payment application has been received in the amount of \$182,320.47, approximately \$73,000 below the total base bid.
- A bid opening was held yesterday for the Pine Street Water Main and Valve Replacement project with a total of four bids received. The bids ranged from \$319,025 to \$454,800 for this project that was budgeted at \$290,000. It was recommended that even though the lowest bid is approximately \$30,000 over what was budgeted for this project that the bids be accepted since they are a fair value for the project. Mrs. Rentschler noted that funds would need to be transferred from the general fund to the water fund to cover the additional amount. Mr. Wert inquired as to a project start date; Mr. Unger indicated that work could begin in July with a 90-day window to complete the project from Fifth to Third Avenue.

Motion to award the Pine Street Water Main and Valve Replacement project to Wexcon, Inc. in an amount not to exceed \$319,025. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

- Bids will be requested for the additional 2019 paving projects as separate line items.

Motion to approve the Engineer/Code Enforcement report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

Mr. Unger and Mr. Mooney departed the meeting at 7:49 p.m.

7. **BOROUGH MANAGER'S REPORT:** Mrs. Hoffman had nothing new to report.

Motion to approve the Borough Manager's report. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 5-0.**

8. **MAYOR'S REPORT:** Mayor Kearney noted the monetization of the Shopping Center Parking Lot coming in the near future. The lines have been painted, the second kiosk will be delivered tomorrow and the kiosks installed by the end of the month. Mayor Kearney requested everyone to spread the word and to be cognizant of enforcement details such as clearing the lot daily for cleaning and maintenance.

Motion to approve the Mayor's report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

9. **COUNCIL PRESIDENT'S REPORT:** Mr. Imbesi had nothing new to report.

Motion to approve the Council President's report. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 5-0.**

10. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Powell referred to his written report and noted a personnel item for Executive Session and the following:

- An addendum to the report was provided, which included a map of the Borough divided into six zones to provide a listing of incidents by zone. The business district and hospital district generate the most calls.

- Contact was made with the two new-handicapped parking space applicants. The Chestnut Street resident is accepting to the designation of the space located on the northwest corner of the block. The Sunset Road request indicated that placement on Pine Street would not be beneficial. Their child is wheelchair bound and in need of respirator equipment that is quite heavy. The family owns a van equipped with a lift that negates the need for a ramp to access the sidewalk. Chief Powell indicated that he is not opposed to designating a space in front of their home. Mr. Lincoln noted the Traffic and Infrastructure Committee discussions to adjust the policy of designating spaces on the ends of the blocks and suggested approval as requested by the applicant.

A motion was made by Mr. Lincoln to approve the designation of a handicapped parking space in front of 333 Sunset Road and seconded by Mr. Wert. **Motion carried 5-0.**

Motion to approve the Police Department report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

- b. **Public Works** – Mr. Grassley referred to the written report and noted an action item to approve the hiring of two part-time summer positions: Nate Hertzog at \$10.75 per hour and Matt Manley at \$10.00 per hour.

Motion to approve the hiring of Nate Hertzog and Matt Manley. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

Motion to approve the Public Works Department report. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

- c. **Fire Department** – There were no questions regarding the Fire Chief's report. Mr. Hatt noted now that both municipalities have signed the intergovernmental agreement, an advertisement has been placed for two part-time fire safety inspectors; interviews should be conducted in the near future. As soon as the individuals are hired they can begin scheduling inspections, in the meantime Mr. Hatt has inspected various locations, including special events as requested.

Motion to approve the Fire Department report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 5-0.**

- b. **West Reading Community Revitalization Foundation** – Mr. Wert noted the following:

- The second Craft Pretzel and Beer Festival generated approximately \$9,000, six times better than the year before.
- The RFP has been sent out to develop a five-year plan, which is tied to the \$25,000 DCED grant received; June 21st is the deadline to submit proposals. Hoping to have plans in place by January to specify a plan to continue the revitalization efforts of the Borough.
- The new Main Street office was approved for a request of funding of façade improvements in the amount of \$20,000 from the Henry Janssen Foundation and \$52,000 from the Wyomissing Foundation. There are two tenants moving in, and the WRCRF should be moving out of the Borough office later in the summer.

Motion to approve the West Reading Community Revitalization Foundation report. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

11. COMMITTEE/COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer referred to the written report and noted three action items:

- Brewer's Bar & Grill was requested to provide a beer garden during the 4th of July event to help the Recreation Department raise funds for this event. The owner is interested and will donate 20% of their food and beverage proceeds from 6:00 p.m. to 9:30 p.m.

Motion to approve a beer garden during the 4th of July event. **Moved** by Mr. Gardecki and seconded by Mr. Wert. **Motion carried 5-0.**

- Three fence replacement quotes have been received for the pool area. Replacement of the existing chain link fence with an 8' high black chain link fence and new posts ranged from \$14,350 to \$14,540. The budgeted amount for this project is \$10,000; it was suggested to delay the repointing project at the Pavilion, budgeted at \$6,000 to apply the additional funding needed to replace the fence.

Motion to approve fence replacement by AKA The Fence Company in an amount not to exceed \$14,350. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

- Two additional seasonal staff approvals are needed due to one failing their lifeguard certification and another one moving away. Mrs. Moyer requested approval to hire Brianna Amtsfeld at \$7.25 per hour for the front desk and Dale Irwin at \$8.25 per hour as a lifeguard.

Motion to approve the hiring of Dale Irwin and Brianna Amtsfeld. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

Motion to approve the Recreation Commission report. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 5-0.**

b. **Planning Commission** – Mr. Wert noted the following:

- A proposed change in use was discussed for the first floor of the Narrow Fabrics Building.
- Review of an updated conceptual plan of the Buttonwood Gateway improvement project were discussed. Improvements could potentially be funded through a no match required multimodal grant with an application deadline of July 31st. Streetscape improvements are being proposed to develop a commercial corridor along Reading Avenue. To allow coordination with the Greater Reading Chamber Alliance plans to redevelop properties along Buttonwood Street, the first phase of streetscape improvements would be Buttonwood Street and Reading Avenue. Kautter & Kelley Architects provided an updated conceptual design cost estimate for streetscape improvements; clarification is needed however to ensure the estimate includes Reading Avenue.

Motion to conditionally approve the purchase of a conceptual plan of streetscape improvements to Buttonwood Street to Delaney Circle and Delaney Circle west along Reading Avenue to Eighth Avenue, excluding Delaney Circle in the amount of \$6,400. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

Should the cost estimate not include Reading Avenue, Council will be polled for further direction and ratify any action taken at the June Council meeting. Mr. Lincoln also noted that providing some sort of grant match would provide better odds in gaining approval.

Also, the Transient Retail Ordinance was reviewed and forwarded to the solicitor for comment.

Motion to approve the Planning Commission report. **Moved** by Mr. Gardecki and seconded by Mr. Kaag. **Motion carried 5-0.**

c. **Economic Development Committee** – Mr. Wert noted the continued discussion of commercial spaces that have recently changed ownership/businesses, and three of the new townhouses for

sale at the Villas at Narrow have sold at the asking price of \$224,000. Mr. Woodward provided an update regarding development activity in the Borough of Wyomissing, including a recently awarded master plan study contract to study three areas, some of which are in close proximity to West Reading.

Mr. Wert also noted the West Reading Motor Club plans to open in June.

Motion to approve the Economic Development Committee report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

- d. **Environmental Advisory Council** – Mr. Wert noted discussions primarily pertaining to the Earth Day cleanup. A sorority from Kutztown University assisted with cleanup in the park area. Sixteen bags of trash were removed from the cloverleaf area.

Mr. Wert also noted his resignation from the Environmental Advisory Council to free up his schedule. Mr. Kaag is the Council member for this committee, which now provides a vacancy for a resident.

Motion to approve the Environmental Advisory Council report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 5-0.**

- e. **Traffic & Infrastructure Committee** – Mr. Lincoln referred to the minutes and noted the handicapped parking and paid parking items that were previously discussed tonight.

Mr. Wert inquired as to the “parking in alley” discussion. Chief Powell noted a complaint received from the Code Department regarding parking in a narrow alley that would prohibit trash truck access. Parking in an alley is dependent on the width of the alley. The alleys will be inventoried to determine the needed restrictions and signage installed as required.

Motion to approve the Traffic & Infrastructure report. **Moved** by Mr. Gardecki and seconded by Mr. Wert. **Motion carried 5-0.**

- f. **Shade Tree Commission** – Mr. Kaag noted discussions that pertained to a property at the corner of Kent Way and Spruce Street where three trees are causing damage to the sidewalk area. It was decided to remove the two end trees and trim the roots of the middle tree to allow the homeowner to replace the sidewalk.

Mr. Wert noted that tree bands are covered in lanternfly nymphs and should be replaced. He personally purchased Catchmaster tape, which can be found on Amazon or at Tractor Supply, but supplies are limited locally.

Motion to approve the Shade Tree Commission report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

- g. **Safety Committee** – Mrs. Hoffman referred to the minutes and there were no further comments.

Motion to approve the Safety Committee report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

- h. **Finance Committee** – Mr. Imbesi stated the meeting was cancelled due to one topic that would be an action item that could be discussed this evening. Mrs. Rentschler noted receipt of 70% of tax revenues and the Tower Health PILOT and recommended transferring \$1,000,000 to a PLGIT Prime Account. The interest earned in this account is similar to a CD, however the money is accessible if needed. It was decided that a policy is already in place for this type of transfer and there was no need for any action.

12. TREASURER'S REPORT:

- a. **Financial Statement Ending 4/30/19** – There were no comments.

Motion to approve the financial statement ending 4/30/19. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

- b. **Payment Approval Report 4/17/19 to 5/16/19 & 5/17/19 to 5/22/19** – There were no comments.

Motion to approve Payment Approval report 4/17/19 to 5/16/19 & 5/17/19 to 5/22/19. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

13. **EXECUTIVE SESSION:** Council recessed to executive session at 8:59 p.m. to discuss personnel and possible litigation items. Council reconvened at 9:20 p.m. and Mr. Imbesi stated no action is needed at this time.

14. PUBLIC COMMENT:

Mr. Rogers inquired as to payment of rental fees for the 90 new apartments at the Lofts at Narrow. Mrs. Hoffman indicated that due to the certificate of occupancy being issued last year a payment was not required.

Mr. Rogers also noted the lack of an agreement between the Borough and the WRCRF.

15. ADJOURNMENT:

Motion to adjourn the meeting at 9:25 p.m. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 5-0.**

Respectfully submitted,

Cynthia Madeira
Assistant Borough Secretary