

BOROUGH OF WEST READING

BOROUGH COUNCIL MEETING

September 17, 2019 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, September 17, 2019 with the following persons present: Council President Philip Wert; Council Vice President Christopher Lincoln; Council Members Patrick Kaag, Jennifer Bressler, Nicholas Gardecki, Jack Gombach; Mayor Andrew Kearney; Solicitor Charles Haws; Police Chief Stephen Powell; Public Works Director Dean Murray; Recreation Director Helen Moyer; Code Department Manager Cathy Hoffman; Engineer Tom Unger; Fire Chief Mark Burkholder; Main Street Manager Mark Ratcliffe; Treasurer Jeanette Rentschler; Borough Manager Nicholas Imbesi and Borough Secretary Cynthia Madeira.

VISITORS:	Oswald Herbert	Resident
	James Rogers	Resident
	Douglas Zeeger	Resident
	Karen Livingood	Resident
	Chad Moyer	Resident
	Andrew Moletress	Resident
	Christina Shenk	Property & Business Owner
	Gabe & Kacey Lloyd	Radsport
	Eric Weaver	Non-Resident
	Reading Eagle Reporter	

1. **CALL TO ORDER:** Council President Philip Wert called the meeting to order at 7:51 p.m., which was followed by the Pledge of Allegiance and Roll Call.

Mr. Wert noted that earlier in the month a former Council Member, Grace Craze passed away and requested in her memory a moment of silence to honor her four-years of service to the Borough.

Mr. Wert also stated that a Conditional Use Hearing was held regarding Wireless Communication Facilities at 6:30 p.m. this evening that recessed at 7:45 p.m. There has been a continuance of this hearing, which is scheduled on Wednesday, October 16, 2019 at 6:00 p.m. for anyone that may be interested in attending the continued hearing.

2. **CRITERIUM:** Kacey Lloyd provided an overview of the highlights from this years' event to Council members and visitors and noted a lot of positive feedback that had been received as to the atmosphere and businesses. Ms. Lloyd expressed their appreciation of the venue and requested consideration to be given to hosting a 2020 event on Saturday, August 1st.

Christopher Lincoln inquired as to the turnout for the 2019 event, which Ms. Lloyd indicated there was better attendance to the Men's event hosted later in the day. However, the limited attendance during the Women's event may have been due to the threat of rain.

Dean Murray noted PennDOT's plans to repave Penn Avenue next year and the uncertainty as to the timing of the project. It was suggested to monitor the status of this project.

Tina Shenk requested consideration to be given to hosting the event on a Sunday to avoid disruption to the normally higher volume of customers experienced along Penn Avenue on Saturdays.

3. **PUBLIC COMMENT:** Oswald Herbert reminded the Planning Commission members that also sit on Council as to discussions held during the recent Planning Commission meeting pertaining to wireless communication facilities and a potential additional source of revenue, over and above a right-of-way

maintenance agreement. This type of revenue would be similar to a franchise fee, Chip Haws stated that he would review these options.

James Rogers requested an update on the status of the business privilege tax rate reduction. Nicholas Imbesi stated that an outside legal firm has provided a road map just prior to tonight's meeting that will be provided to Council and discussed during an upcoming budget meeting.

Mr. Rogers requested an update on the outstanding rental occupancy fees for the Lofts at Narrow and it was noted that there is nothing new to report at this time.

Mr. Rogers noted the solar panel placement for the new metered parking kiosks should be altered for efficiency reasons.

Mr. Rogers inquired as to who is responsible for maintenance of the metered shopping center parking lot. Mr. Lincoln stated that all maintenance of the parking lot is the responsibility of the owner.

4. **APPROVAL OF COUNCIL MINUTES:** Motion to approve the August 20, 2019 regular Council meeting minutes as well as the August 27, 2019 Budget meeting minutes. **Moved** by Mr. Lincoln and seconded by Mr. Gombach. **Motion carried 6-0.**
5. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance – Noise Amendment** – It was noted that this has been tabled for further revisions.
- b. **Ordinance 1114 Peddling, Soliciting & Transient Retail** – An ordinance amendment that includes regulations pertaining to food trucks and provides revisions to door-to-door solicitation.

Motion to adopt Ordinance 1114 amending regulations pertaining to transient retail business. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

- c. **Ordinance – School Crossing Guards Training** – An ordinance addition to the General Regulations of the Vehicles and Traffic Chapter to provide training for school crossing guards.

Mr. Imbesi stated that an ordinance amendment is needed to be in compliance with Borough Code Statutes. A copy of a recently enacted Resolution by the Wyomissing Area School District was provided to Council for review, which outlines the responsibilities of both parties.

Mr. Lincoln suggested removing the entire section pertaining to contributing any type of financial support in order to remove the opportunity for future monetary contribution requests from the school district.

Motion to advertise an addition to the Vehicles and Traffic Chapter by adding a section to provide training for school crossing guards with the noted omission of B(2) Financial Contribution. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

- d. **Ordinance - Dedication of Certain Public Roads** – It was noted that a Resolution was passed last month to dedicate the finished roadways within the Villas at Narrow subdivision to allow collection of Liquid Fuels monies, however, PennDOT requires a Borough to enact an ordinance. Due to advertising requirements and PennDOT's deadline, the first of two required advertisements has begun and ratification of this action is needed. A vote to adopt this ordinance would take place during the Saturday, September 28, 2019 Budget meeting.

Motion to ratify and authorize the advertisement of an Ordinance accepting dedication of Barnhardt Way, Cashmere Way - South portion, Walnut Way, Silk Drive and Chiffon Way. **Moved** by Mr. Kaag and seconded by Mr. Gombach. **Motion carried 6-0.**

6. **CONSULTANT'S REPORTS:**

- a. **Solicitor's Report** - Mr. Haws referred to Keith Mooney's written report and there were no comments.

Motion to approve the Solicitor's report. **Moved** by Mr. Gombach and seconded by Mr. Lincoln. **Motion carried 6-0.**

Mr. Haws departed the meeting at 8:24 p.m.

- b. **Engineer/Code Enforcement Report** – Mr. Unger referred to his written report and noted an action item regarding the traffic signal modernization Green Light-Go grant. A letter has been received from PennDOT approving the final inspection of this project and a Change Order had been previously approved for the additional wiring bringing the grand total of the project to \$125,212. Mr. Unger recommended that the Borough release the 10% retainage at this time.

Motion to approve the release of retainage to Telco, Inc. in the amount of \$12,521. **Moved** by Mr. Gardecki and seconded by Mr. Lincoln. **Motion carried 6-0.**

New Enterprise Stone & Lime Co., Inc. has completed the 2019 Paving Projects and it was found that base repairs were unnecessary. A draft Payment Application No. 1 in the amount of \$133,407.13 has been included but no action is needed at this time.

Mr. Unger noted the monthly flow monitoring graph reports that are provided for the two pump stations and the ability to monitor the flows during rain events.

The Pine Street Water Project is progressing, a sizeable sinkhole was found in the vicinity of Ann Street and Fourth Avenue that required a Geotechnical Engineer to provide recommendations on filling the sinkhole.

Change Order No. 1 has been requested with regards to a time extension due to weather delaying the start of the project.

Motion to approve Change Order No.1 to Wexcon, Inc. for the Pine Street Water Line Project to revise the contract times as noted on the Change Order. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

Additional information had been provided in the August Code Department report to give Council a true sense of the work completed within the department. Council members appreciated the information and are interested in continuing to receive this information. It was noted that approximately 80% of the notices of violation are complied with on the first request. Now that Mrs. Hoffman is overseeing this department, she will be providing the Code Department reports in the future.

Motion to approve the Engineer/Code Enforcement report. **Moved** by Mrs. Bressler and seconded by Mr. Gombach. **Motion carried 6-0.**

Mr. Unger departed the meeting at 8:32 p.m.

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

- a. **Berks EIT Delegate** – Mr. Imbesi noted that Mrs. Hoffman is the current delegate and it is recommended to appoint the new Borough Manager.

Motion to remove Cathy Hoffman and appoint Nicholas Imbesi as the delegate for Berks EIT. **Moved** by Mr. Lincoln and seconded by Mr. Gombach. **Motion carried 6-0.**

- b. **Shade Tree Resignation** – A resignation letter has been received from Cody Rhoads and a motion is needed to accept Mr. Rhoads resignation from the Shade Tree Commission.

Motion to accept the resignation of Cody Rhoads from the Shade Tree Commission. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- c. **October Second Council Meeting** – Mr. Imbesi recommended utilization of the second Council meeting in October as a Budget Workshop to maintain the budget schedule. Ideally, the proposed budget is needed by November 17th to allow thirty-days to lapse before adopting a budget at the regular December Council meeting scheduled on December 17th. The schedule would be:

- Tuesday, September 24th: Fire Department
- Saturday, September 28th: Public Works & Recreation
- Saturday, October 12th: Administration & Code Department
- Tuesday, October 22nd: Police Department
- Saturday, November 9th: Finalize Budget

- e. **Contracts** – Mr. Imbesi reported that the following contracts are in need of renewal:

- **Trash/Recycling Collection:** This contract terminates at the end of 2019 with no further extensions permitted. A meeting has been scheduled with a representative of Eagle Disposal to obtain the new recycling guidelines and discuss truck size for alley navigation to include in the bid.
- **Comcast Cable Franchise Agreement:** A letter has been received from Comcast indicating that the agreement is up for renewal. It was recommended to contact Cohen Law Group out of Pittsburgh to discuss details that may benefit the Borough.
- **Gas Service:** Mr. Imbesi stated that the current contract with Shipley is expiring and noted his meeting with Joseph Cesarz to discuss natural gas rates. It was recommended to contract with UGI at a rate of \$0.5495 per cubic foot as opposed to Shipley's \$0.590 per cubic foot rate. Contract details are needed as to term commitments and length of rate guaranty; however, it was recommended to switch to UGI to begin saving money on natural gas expenses.

Motion to switch the natural gas provider to UGI at a quoted rate of \$0.5495 cubic feet.

Moved by Mrs. Bressler and seconded by Mr. Gardecki. **Motion carried 6-0.**

- f. **West Side Emergency Management** – Mr. Imbesi noted that Mrs. Hoffman is the current delegate to West Side Emergency Management Agency and Dean Murray as the alternate. Following a conversation with Thomas Bausher it was requested to delegate the new Borough Manager with Mrs. Hoffman as the alternate.

Motion to delegate Nicholas Imbesi to West Side Emergency Management Agency and Cathy Hoffman as the alternate. **Moved** by Mr. Kaag and seconded by Mr. Gombach. **Motion carried 6-0.**

- g. **Center for Excellence in Local Government Open House** – In order to accommodate Council member's attendance to this annual event, the October Borough Council meeting will be held on Wednesday, October 16, 2019. The speakers scheduled this year are from Equus Capital Partners.
- h. **Berks Municipal Partnership Breakfast** – This breakfast has been rescheduled from September 27th to October 25th.
- i. **Digitalize Files** – Mr. Imbesi stated his first project as Borough Manager is to explore options to begin digitalizing files since the Borough is running out of storage space.
- j. **Street Closure** – West Reading Tavern is requesting to close the 00 block of S. Sixth Avenue on Saturday, October 5, 2019 from Noon to 5:00 p.m. to move very large pumpkins into place on the sidewalk with a forklift along the north and south side of the 600 block of Penn Avenue. The Pumpkin Festival is scheduled to take place on the weekend of October 19th and 20th. Council members discussed the busy Penn Avenue timeframe and the safety and convenience of pedestrian and vehicular traffic. It was suggested to offer an alternate timeframe of Sunday afternoon following the Farmers' Market or an early Monday morning. Also, it may be more practicable to use the north side of Sixth Avenue, adjacent to Chef Alan's where there currently is ample space reserved as a loading zone. Mr. Imbesi will contact the owner of West Reading Tavern to discuss these options.

Motion to approve the Borough Manager's report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

8. **MAYOR'S REPORT:** The Mayor applauded Borough Council on selecting Nicholas Imbesi as Borough Manager and our new Code Department Manager, Cathy Hoffman.

Mr. Murray inquired as to the schedule for the car smash during Fall Festival. The Mayor indicated that the car would be delivered to the 00 block of S. Sixth Avenue at 11:00 a.m. and removed at 6:00 p.m., and the Mayor intends to clean the street following this event.

Motion to approve the Mayor's report. **Moved** by Mr. Gombach and seconded by Mr. Lincoln. **Motion carried 6-0.**

9. **DEPARTMENT REPORTS:**

Mr. Imbesi stated that next month the Code Department should be listed under this category for reporting and made a recommendation to appoint Mrs. Hoffman as the Assistant Zoning Officer. Mrs. Hoffman noted that the Zoning Officer is only in the office one day a week and this would allow her to handle zoning items during days when he is unavailable.

Motion to appoint Cathy Hoffman as the Assistant Zoning Officer. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- a. **Police Department** – Chief Powell referred to his written report and noted the following additional items:
 - During the two power outages yesterday a power surge burned a switch that controls the camera system. The switch brings the images back to Borough Hall and costs \$2900 to replace. A replacement part has been ordered and should be delivered tomorrow.
 - The individual that is accused of committing three burglaries at local businesses has been arrested.

- The 1998 Dodge Durango that was used by Parking Enforcement will no longer pass inspection due to rust issues. Information has been gathered to purchase a 2019 Jeep Cherokee with an option to remit three annual payments or a monthly payment over three years. The yearly payment of \$8,315.01 would bring the total purchase price to \$24,945 and the monthly payment option of \$707.51 would bring the total purchase price to \$25,470. A Jeep Cherokee was chosen for reasons such as a lower cost and winter mobility. The parking enforcement officer is currently using Mr. Murray's vehicle. A review of the budget and timeframe for delivery and payment are needed to discuss further during next week's budget meeting.

Mr. Wert inquired as to leads on the individual(s) that stole traffic barriers; Chief Powell stated that there are leads.

Motion to approve the Police Department report. **Moved** by Mr. Lincoln and seconded by Mr. Gombach. **Motion carried 6-0.**

- b. **Public Works** – Mr. Murray referred to the written report and noted the following additional items:

- It was noted that during the power outage yesterday the Borough Hall generator did not operate at all and Mr. Murray suggested utilizing the approximate \$60,000 savings from the paving projects towards the purchase of a replacement generator. The cost to purchase a natural gas generator to operate the essential systems at Borough Hall is estimated at \$15,000.
- The remaining portion of the paving project savings could be used to cover the cost of addressing the sinkhole on Pine Street and purchase a replacement heat/air conditioning unit for the Police Department's lower level.
- Mr. Murray requested a revision to last month's motion to remit the full project cost to B&F Petroleum for the gas storage tank lid repairs. The revised request is to remit 30% of the cost, which totals \$11,205, in order to proceed with this project.

Motion to approve the expenditure of 30%, or \$11,205 of the \$37,350 project cost to B&F Petroleum Installations for repairs to the gas storage tank tops. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

Further review of the paving project savings and potential allocations is needed and can be discussed further during next week's budget meeting.

Motion to approve the Public Works Department report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

- b. **Fire Department** – Chief Burkholder referred to the written report. A report was also submitted by the Fire Marshal noting all of the recent fire investigations and inspections performed.

Motion to approve the Fire Department report. **Moved** by Mr. Kaag and seconded by Mr. Gombach. **Motion carried 6-0.**

- c. **West Reading Community Revitalization Foundation** – Mark Ratcliffe referred to the report and Andrew Moletress noted a recent decision by the Board to donate \$1,000 towards the purchase of a police vehicle and \$1,500 towards painting lamp poles in the 200 block of Penn Avenue.

Motion to approve the West Reading Community Revitalization Foundation report. **Moved** by Mrs. Bressler and seconded by Mr. Gombach. **Motion carried 6-0.**

Mr. Gardecki departed the meeting at 9:35 p.m.

10. COMMITTEE/COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer referred to the written report and requested Council's feedback on hosting fireworks next year. The holiday will fall on a Saturday, which competes with Community Days fireworks and causes a strain on the local fire departments. For budgeting purposes, it was recommended to budget the funds typically allocated towards fireworks towards constructing a pedestrian bridge in place of the demolished Parkview Road Bridge.

Mrs. Moyer also requested Council's guidance as to allowing service dogs in the pool area. Council recommended obtaining legal feedback during next month's Council meeting prior to the solicitor's departure.

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

- b. **Planning Commission** – Mr. Wert noted the committee's review and discussion surrounding the two proposed wireless communication facilities. Chief Powell visited the meeting to discuss rental ordinance amendments, which was very beneficial. Also, there were further discussions pertaining to enforcement of the noise ordinance, which will undergo further revisions.

Motion to approve the Planning Commission report. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 5-0.**

- c. **Economic Development Committee** – Mr. Wert noted the developer's plans to break ground on five additional lots in the Villa's at Narrow development this November and two new restaurants that will be opening soon in the 700 block of Penn Avenue.

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. Kaag noted lengthy discussions regarding maintenance of the Community Garden and options to mitigate these issues such as a planned monthly cleanup during the first Saturday of the month to coordinate with the yard waste drop-off dates. A fall cleanup has been scheduled on Saturday, September 29th from 10:00 a.m. to 2:00 p.m.; and cloverleaf mowing is scheduled mid to late September.

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

- e. **Traffic & Infrastructure Committee** – Mr. Lincoln stated there are no action items this month and reported continued discussions on various parking aspects. A request has been received to create a 20-minute parking space on Reading Avenue, it was suggested to reevaluate the current 20-minute spaces and create a new policy regarding the same. Borough-wide review of handicapped parking is ongoing and clarification is needed from the solicitor. Also, staff members attended a stop sign and traffic control course to perform studies and review areas in need of additional traffic controls.

Motion to approve the Traffic and Infrastructure Committee report. **Moved** by Mrs. Bressler and seconded by Mr. Gombach. **Motion carried 5-0.**

- f. **Shade Tree Commission** – Mr. Wert noted that the Shade Tree Commission meeting had been cancelled and that a meeting is being scheduled with a representative from the Department of

Conservation and Natural Resources to discuss their findings and resources of the recently performed tree inventory.

- g. **Safety Committee** – Mr. Wert noted that the Safety Committee meeting had been cancelled.
- h. **Finance Committee** – Mr. Wert noted the Finance Committee meeting had been cancelled.

11. TREASURER'S REPORT:

- a. **2020 Minimum Municipal Obligations** – Mrs. Rentschler requested Council's decision regarding the allocation for the Police pension Minimum Municipal Obligation (MMO) for the 2020 plan year. It was suggested to allocate the minimum \$349,912 until further budget information becomes available. Mrs. Rentschler also provided a 2020 MMO worksheet that projects the Pennsylvania Municipal Retirement System (PMRS) for the West Reading Borough Pension Plan.

Motion to fund the Minimum Municipal Obligation for the Police Department pension for calendar year 2020 in the amount of \$349,912. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 5-0.**

Motion to fund the Minimum Municipal Obligation for the frozen Non-Uniformed Pension Plan for calendar year 2020 in the amount of \$0. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 5-0.**

Motion to approve the Minimum Municipal Obligation for the Non-Uniform Pension Plan for calendar year 2020 in the amount of \$54,458. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

- b. **Financial Statement Ending 8/31/19** – Mr. Wert noted that 67% of the fiscal year has elapsed and from a revenue standpoint we have accrued roughly 75% of our allotted revenues for the year. It appears that we are on track to reach the goal of 100% by year-end.

Motion to approve the Financial Statement ending 8/31/19. **Moved** by Mrs. Bressler and seconded by Mr. Gombach. **Motion carried 5-0.**

- b. **Payment Approval Report 8/21/19 to 9/12/19 & 9/13/19 to 9/17/19** – There were no comments.

Motion to approve Payment Approval report 8/21/19 to 9/12/19 & 9/13/19 to 9/17/19. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

Mr. Wert noted that 2017 and 2018 audit information had been provided for Western Berks Water Authority.

12. PUBLIC COMMENT:

Karen Livingood requested clarification as to funding of the school crossing guards during training activities. Mr. Imbesi stated that item "E" of the proposed ordinance states there would be no monetary compensation from the Borough. Mrs. Livingood also asked if the decision surrounding the 2020 fireworks would be discussed during a budget meeting. It was noted that this would be discussed during the Recreation budget meeting scheduled on Saturday, September 28th.

Mr. Rogers indicated that there is a rumor that the handheld parking enforcement device is not compatible with the kiosk system. Chief Powell stated that is untrue.

Ms. Shenk asked if chickens and roosters are allowed in the Borough. Mr. Wert stated they are allowed under strict rules and permitting requirements.

Chad Moyer asked if the training of crossing guards would take place prior to the enactment of the proposed ordinance amendment and if so, the Borough could be liable. Mr. Imbesi will contact the school district to discuss the current training statuses of West Reading's Crossing Guards.

13. **ADJOURNMENT:**

Motion to adjourn the meeting at 10:17 p.m. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler.
Motion carried 5-0.

Respectfully submitted,

Cynthia Madeira
Borough Secretary