

BOROUGH OF WEST READING – BOROUGH COUNCIL

November 18, 2014 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, November 18, 2014 with the following persons present: Council President James J. Gallen, Jr.; Vice President Philip C. Wert; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, Deborah Hutcheson, Grace Craze, Carl Garman; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Code Enforcement Officer Tracey Levering; Recreation Coordinator Helen Moyer; Public Works Director Dean Murray; Borough Engineer Tom Unger; Elm Street Manager Dean L. Rohrbach; Administrative Assistant Cathy Hoffman.

VISITORS:	Ruth Cardell	Temple	James T. Rogers	Resident
	Jim & Karen Livingood	Residents	John Turner	Business Owner
	Lee Ream	Ream's Disposal	Christian Walsh	Resident
	Robert Wertz	Property Owner	Jarrod Micale	Resident
	Robin Horman	Resident	Dorothy Long	Resident
	Eileen & Keith Fox	Residents	Suzanne Thompson	Resident
	Bryce Matthews	Resident	Becca Gregg	Reading Eagle
	Oswald Herbert	Resident	Tina Shenk	Property Owner
	Ed Moreland	Western Berks Ambulance		

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:**

Ed Moreland, Chief of Operations for Western Berks Ambulance introduced himself and said he has will be visiting all of the 15 municipalities which the Ambulance Association serves, and spoke briefly about the organization. He noted that they expect to respond to more than 700 calls in West Reading this year, not including calls to either of the nursing homes or the Reading Hospital. There were no questions for Chief Moreland.

Robert W. Wertz, owner of 400 Reading Avenue, spoke about the sewer back-ups that occurred at the property over the last year and a half and his frustration that the Borough is not taking responsibility for the problem. Mr. Becker noted that that Borough does have certain duties and responsibilities but the law does allow for sovereign immunity. He said that Mr. Sichler had turned it over to the insurance company and the claim was denied. Discussion ensued concerning the specific incidents and Mr. Murray spoke about how blockages are dealt with and maintenance on the sewer mains. Because the potential for litigation had been raised in this matter, Council decided that it would be discussed further in Executive Session. Mr. Wert then thanked Council and left the meeting.

James T. Rogers spoke about an article in the newspaper concerning paying for parking in the Borough and asked if meters were being installed. He also asked about the termination of the Codes Department at the end of the year which Mr. Gallen explained and noted that it has been planned to outsource Codes to SDE, the Borough's engineering company. Mr. Rogers also asked about Officer Fabrizio's request to enter the DROP program and about his salary. Mr. Becker noted that there is pending litigation concerning this issue and Council doesn't know at this point what is going to happen.

John D. Turner spoke about his wish to have a skate park established in the Borough and that he has spoken with other municipalities as well as the West Reading Recreation Commission and the West Reading Community Revitalization Foundation. He said that the CRF would like to see a lease agreement for the land before a grant application and any fundraising can be completed.

Jarrold Micale said they have been trying to educate local children about where not to skateboard in the Borough and about volunteering for Recreation events.

Dorothy Long spoke in support of the work that Mr. Turner does in conjunction with Penn Avenue events.

Mr. Garman commented that the skate board park issue is not dead, but that the skaters need to come up with a plan to accomplish their goals. It was noted that the CRF has indicated that they need a lease in order to apply for any grants, so it was suggested that Council could agree to enter into a lease for the park land, contingent upon them obtaining the funding to complete the project.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Ms. Hutcheson and seconded by Ms. Craze to approve the minutes of the October 21st Council meeting. **Motion carried.**

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

Grease Trap Ordinance Amendment – Mrs. Levering explained that there are some additional changes that need to be made to the Grease Trap Ordinance and that the initial proposed revisions dealt only with setting a fee for inspections. The additional changes deal with how and when grease traps should be installed, and when the inspections should be completed.

Moved by Ms. Craze and seconded by Mrs. Kulesa to re-advertise the Grease Trap Ordinance. **Motion carried.**

5. **UNFINISHED BUSINESS:**

a. **417 Franklin Street** – Mr. Sichler reported that a warrant was approved to inspect and secure the property at 417 Franklin Street. The roof has been stabilized, doors and windows have been secured and the Fire Marshall inspected for fire hazard. In order to mitigate the fire hazard, the contents would have to be removed which they estimate would fill a 20 foot container. The contents, which do have value, are already boxed and organized so it would not be difficult to empty the building. The cost to store the contents would be about \$100 per month and this expense could be recovered through a lien on the property. There was no evidence of mold in the basement therefore the mold present in Mrs. Schaeffer's basement is a result of water infiltration from the basement hatch at 417 which has been covered with plywood and tarped to prevent more moisture from coming through. This was discussed with Mrs. Schaeffer and she will continue to be informed. Much discussion ensued about how to proceed. **Moved** by Mr. Garman and seconded by Mrs. Heckler to remove the contents of the house and store in a container for safe keeping. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Mr. Garman to compile all outstanding amounts owing to the Borough and file a municipal lien against the property at 417 Franklin Street. **Motion carried.**

b. **400 Penn Avenue ('smoker' issue)** – Mrs. Levering said that the business owner had been issued a notice of violation and he is aware that he will be cited each day that the smoker is in operation. Mayor Rodriguez said that the owner indicated to him that he will cease operation and proceed with applying for a variance.

6. **CONSULTANTS' REPORTS:**

a. **Solicitor's Report** – Mr. Unger distributed a drawing of the former Belovich property which indicates the finished and unfinished portions of the development. A punch list of all items that remain to be completed was also prepared by SDE. Mr. Becker said he has spoken with the Bank's attorney, Maria Elliot, and she indicated that the Bank would be willing to enter into

some form of agreement that would allow the dedication of the streets, water and sewer lines and provide an easement to provide access to the unfinished streets. Although the Bank has not seen the punch list, Mr. Becker went over many of the items with the attorney and they are willing to work on it. There was some discussion about the dedication of the streets without the remaining properties being developed. Mr. Unger noted that the warranty period can be extended up to 18 months and Mr. Becker added that the owner will certainly request reductions to the letter of credit if the Borough does take dedication of the streets. He also recommended that no building permits be issued for properties on unfinished streets.

It was also noted that there is some interest in the property, however the Bank is still waiting for the deeds to come from the Sheriff's Department.

Moved by Mr. Garman and seconded by Ms. Hutcheson to proceed with the dedication of the streets contingent upon entering into an agreement concerning the punch list items along with the easement to provide access to unfinished streets and the warranty period being extended to 18 months. **Motion carried.**

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

b. **Engineer's Report** – Mr. Unger reported the following:

- The Kent Way project is complete subject to a final inspection. A 10% retainage is being held back.
- Change orders #2 (addition of \$4,386.50) and #3 (reduction of \$8,387), along with change order #1 resulted in a total project reduction of \$8,212.50. **Moved** by Ms. Craze and seconded by Mr. Garman to authorize signatures for change orders #2 and #3. **Motion carried.**
- **Moved** by Ms. Craze and seconded by Ms. Hutcheson to authorize payment of payment application #2 in the amount of \$147,494.27. The 10% retainage amount is \$13,731.33 which will be held until final inspection. **Motion carried.**
- He met with Mr. Sichler about the Parkview Road Bridge as a result of correspondence received from PennDOT concerning the status of the bridge. Mr. Unger will have an engineer address those issues. Mr. Sichler explained that a year ago, as a result of an inspection, the weight restrictions for the bridge were revised however the underlying structural deficiencies have not been addressed. State Liquid Fuel funds are available from the county (\$463,000) and the engineer will be focusing on stabilizing the bridge and remove the weight restriction.

Moved by Mr. Garman and seconded by Mrs. Heckler to approve the Engineer's Report. **Motion carried.**

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

- a. **Trash and Recycling RFP** – Mr. Sichler said that the bids came in on the 17th however there are contractual issues that he would like to discuss with Council in Executive Session.
- b. **Borough & Tax Collector Audit** – Mr. Sichler requested permission to solicit bids for audit services, however the contractual issues would have to be discussed in Executive Session.
- c. **Planting Strip Ordinance** – The last time the Planting Strip Ordinance was discussed with Council, Ms. Rambo offered to review it and as a result has a recommendation for section 404 (d) which deals with vegetation height. Her concern for vegetation was that it might be a tripping hazard for people exiting their vehicles if it is allowed to grow to the 10" height that is

currently stipulated. Also, there was a concern about property owners leaving the planting strip with dirt that can cause issues with storm water runoff. Much discussion ensued and it was decided that Mr. Sichler would reword the sections to ensure that vegetation isn't too tall and that dirt planting strips would not be permitted. This will be brought back to Council at the next meeting.

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

8. **MAYOR'S REPORT & WEST READING COMMUNITY REVITALIZATION FOUNDATION:**

Mayor Rodriguez said that copies of his report had been distributed just prior to the meeting. The following was discussed:

- An agreement with Reading Health System has been reached. The payment in lieu of taxes for 2014 will be \$610,500. There is a provision for capital projects once their building project has been completed. The proposed amount for 2015 is \$622,000 and an invoice will be sent out in early 2015.
- A cooperation agreement between the WRCRF and Council has been distributed for review. It needs to be discussed further at the next budget meeting.

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

9. **DEPARTMENT REPORTS:**

- a. **Code Enforcement** – There were no questions for Mrs. Levering concerning her written report which was distributed just prior to the Council meeting.

Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Chief Code Enforcement Officer's Report. **Motion carried.**

- b. **Police Department** – Chief Powell noted the following from his written report:

- Two applications for Handicapped Parking Spaces have been received – the 400 block of Franklin Street and 400 block of S. 5th Avenue and both blocks are open for handicapped spaces per Borough policy. Discussion ensued concerning the number of handicapped spaces allowable per block in the Borough. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to advertise the ordinance amendment. **Motion carried.**
- Correspondence has been received from PennDOT confirming the Red Light grant. The district manager will be in contact soon with more information.

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

- c. **Public Works** – Mr. Murray referred to his written report which was distributed just prior to the meeting. He also provided a document which provides a breakdown of fuel usage by department for the year.

Moved by Mrs. Heckler and seconded by Ms. Hutcheson to approve the Public Works Director's Report. **Motion carried.**

- d. **Fire Department** – Chief Burkholder had nothing to add to his written report and there were no questions. Mrs. Kulesa thanked the Chief for allowing the Rec Commission to use the Fire Company for the Mother/Son dance.

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

- e. **Elm Street** – Mr. Rohrbach provided some statistics regarding property sales over the last three years which indicates that the number of owner occupied properties is up substantially over the 2010 census report. He also spoke about the positive press the Borough has been receiving recently. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve the Elm Street Manager's Report. **Motion carried.**

10. **COMMITTEE/COMMISSION REPORTS:**

- a. **Recreation Commission** – Helen Moyer referred to the minutes that had been included in Council's packet. There was a question concerning the status of the proposed parking lot near the Museum. Mrs. Moyer explained that the Borough's wish to keep the park as green as possible has been conveyed to the Wyomissing Foundation and there has been no response from them as yet. They have requested a minimum of 80 spaces and will be engaging an architect to create a preliminary plan to see what can be done to make it work for everyone. Much discussion ensued about the proposed project and about the Wyomissing Foundation's involvement.
Moved by Ms. Craze and seconded by Ms. Hutcheson to approve the Recreation Commission Report. **Motion carried.**
- b. **Planning Commission** – Mr. Wert spoke concerning the following:
 - A liquor license transfer application was reviewed by the Commission for the property at 701 Penn Avenue which is the restaurant "Nonno Alby's". The Commission recommended the approval of the application and Mr. Wert suggested that the Public Hearing be held just prior to the December Council meeting. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to advertise the Public Hearing for December 16th at 6:30 p.m. **Motion carried.****Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve the Planning Commission report. **Motion carried.**
- c. **Environmental Advisory Council** – Mr. Sichler referred to the minutes that were in the Council packets. Mr. Wert spoke about the update to the Animal Ordinance that both EAC and the Planning Commission had been reviewing. He had compiled the proposed changes and provided it for Council's review but noted that it hasn't been through a legal review. He asked for Council's input before any more work is done. It was noted that the current Animal Ordinance has very few restrictions except setbacks. Mr. Wert noted that the proposed changes are a cultural shift which will make West Reading a more progressive community. Some concern was voiced with regard to laying hens being permitted but this will be discussed further by Council. Mr. Wert asked Council to email any comments to him.
Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Environmental Advisory Council Report. **Motion carried.**
- d. **Shade Tree Commission** – There were no questions concerning the minutes, however Mrs. Kulesa asked about placing memorial plaques on trees.
Moved by Ms. Hutcheson and seconded by Ms. Craze to approve the Shade Tree Commission Report. **Motion carried.**
- e. **Economic Development Committee** – Ms. Hutcheson noted that no minutes had been distributed but noted the following:
 - The property at 511 Sunset had been discussed concerning its vermin problem and the fact that it has been vacant for 20 years. It has been added to the blighted list.

- Pop-up shops were discussed and some issues with property owners on Penn Avenue. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve the Economic Development Committee report. **Motion carried.**
- f. **Traffic and Infrastructure Committees** – Permit parking was discussed and Mr. Sichler said he would bring this issue to the attention of the people who will be conducting the parking study. Mr. Garman also spoke about the lighting at the municipal lot on Franklin Street. **Moved** by Mr. Garman and seconded by Ms. Craze to approve the Traffic and Infrastructure Committees reports. **Motion carried.**
- 11. **TREASURER'S REPORT:**
 - a. **Revenues with Comparison to Budget:**

There was a discussion about the statues of the Recreation Fund however it was noted that transfers haven't yet been done and Mr. Sichler will look into it further.

Moved by Ms. Craze and seconded by Mr. Wert to approve the Revenues with Comparison to Budget Report for the 10 months ending 10/31/2014. **Motion carried.**
 - b. **Payment Approval Report:**

Moved by Ms. Hutcheson and seconded by Ms. Craze to approve Payment Approval Report for 10/22/2014 - 11/12/2014 and 11/13/2014 – 11/18/2014. **Motion carried.**
- 12. **PUBLIC COMMENT:**

James T. Rogers asked if there were any more updates concerning the upcoming Buttonwood Bridge repairs, however there was nothing to report at this time. He also asked why Public Comment wasn't held after the Executive Session.

Tina Shenk asked when Shade Tree will meet in January, and about handicapped parking spaces on Penn Avenue. She also asked if a beer distributor would be allowed on Penn Avenue.

Suzanne Thompson spoke about the planting strip ordinance and asked when the next Budget meeting would be held.

Keith Fox said that there is a time restriction for handicapped parking in Philadelphia.
- 13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:21 p.m. When the meeting reconvened at 10:16 p.m., no action was taken.
- 14. **ADJOURNMENT:**

Council agreed to recess the meeting until Tuesday November 25th at 6:00 p.m. at which time a budget workshop would be held.

Respectfully submitted,

Cathy Hoffman
Administrative Assistant