

BOROUGH OF WEST READING – BOROUGH COUNCIL

February 21, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, February 21, 2012 with the following persons present: Council President Kevin M. Conrad; Vice President James J. Gallen Jr.; Council Members Elizabeth L. Heckler, Amy B. Good-Ashman, Philip C. Wert; Mayor Shane J. Keller; Borough Manager Richard J. Sichler; Police Chief Edward C. Fabriziani; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Chief Code Enforcement Officer Tracey L. Levering; Public Works Director Dean E. Murray; Administrative Assistant Cathy L. Hoffman; Borough Engineer Terry Naugle. Nathalie R. Kulesa, Deborah Hutcheson and Dean L. Rohrbach were unable to attend.

<u>VISITORS:</u>	Ruth Cardell	Temple, PA
	Tina Shenk	Business/Property Owner
	Ruth Himmelberger	Resident
	Audrey Schaeffer	Resident
	Thomas Hawn	Employee
	Barbara Kane	Visitor
	Jennifer Faust	Business/Property Owner
	Karen Livingood	Resident
	Ashley Gold	Reading Eagle
	Amber Rambo	Resident

1. **CALL TO ORDER:** Council President called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.

Mr. Conrad stated that he had been contacted by Mayor Keller who requested that an advertisement be placed in the newspaper for a part time police officer in light of the retirement and resignation of two of our part time officers. The ad was initially placed on February 5th.

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to ratify the advertisement for the part time police officers. **Motion carried.**

2. **PUBLIC COMMENT:**
Mr. Himmelberger asked about the handicapped parking space for his mother that had been brought to Council previously however the request was not approved by Council because the handicapped space would not be at the end of the block as is the criteria currently. Chief Fabriziani explained the situation on Cherry Street where a business occupies the end portion of the block, and the proposed handicapped space would be at the end of the row homes in that area. Mr. Conrad said he reviewed the situation and after having looked at the space, he is willing to make an exception because the space would be at the end of the residential block. This situation occurs in very few areas of the Borough. **Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to advertise the handicapped parking space with the understanding that this is a special circumstance given the nature of the block and that the residential portion ends where there is a natural divide. **Motion carried.** Mr. Conrad stated that the ordinance to approve space will be advertised for 30 days and will be considered at the next Council meeting.

3. **APPROVAL OF COUNCIL MINUTES:**
Moved by Ms. Good-Ashman and seconded by Mr. Gallen to approve the minutes of January 12, 2012. **Motion carried.**

4. **UNFINISHED BUSINESS:**

Conditional Use Hearing (426 Penn Avenue) – Mr. Becker explained that a Public Hearing had been held just prior to the Council meeting to consider the application that will allow Mr. Kozo to make the second floor of 426 Penn Avenue into a two unit apartment building. **Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to approve the Conditional Use Application for 426 Penn Avenue to convert the upper level into two apartment units subject to the conditions that there is proper ingress and egress through the windows since there is only one point of entry and exit, and also that they would comply otherwise with all ordinances/codes/state law, etc. **Motion carried.**

5. **ORDINANCES/RESOLUTIONS:**

- a. Public Meeting Procedures and Guidelines – Mr. Conrad referred to the draft procedures and guidelines document that was distributed, and noted that there are several changes: the time limit for public comment should be changed from 3 minutes to 5 minutes; the time limit for a single person speaking on behalf of a group should be changed from 5 minutes to 10 minutes; the gender reference in (a) will become gender neutral and the spelling of Mr. Sichler's name will be corrected.

Moved by Mr. Gallen and seconded by Mrs. Heckler to approve Resolution 2012 – 4 (Public Meeting Procedures and Guidelines) with the changes as noted. **Motion carried.**

6. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker had no other items to present.
- b. Engineer's Report – Mr. Naugle reported that PennDOT had finally reviewed the traffic study at Sycamore and Museum Roads and have determined that the traffic count is not of sufficient number to warrant the timing of the lights. He noted that the volume for the 12 hour count was 4000 vehicles, however PennDOT's criteria is ten times that number. The timing was discussed further and it was suggested that Telco be asked to confirm the timing since it appears to be inconsistent.

Mr. Conrad asked that one item be corrected in Mr. Naugle's written report, that "grouting" be removed from "5-Phase Sewer Televising and Grouting Program".

Moved by Ms. Good-Ashman and seconded by Mrs. Heckler to approve the Engineer's Report. **Motion carried.**

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

- a. Parkview Road Bridge Project – Mr. Sichler said that this has come up again as a result of an insurance review and that PennDOT has recommended that some work be done to it. There is over \$380,000 that is being held by the County for engineering and repairs, and that matching funds are not necessary. It was noted that the bridge will be reinspected in November. After some discussion, it was decided that this should be discussed at the next Infrastructure meeting and a recommendation be brought back to Council.
- b. Appointments to Pension Committees – Mr. Sichler said that there is a vacancy on the Police Pension Committee and one also on the Borough Employee Pension Committee. He suggested that Chris Lincoln be appointed to the Police Pension Committee and Borough employee Robert Howe be appointed to the Employee Pension Committee. He added that he is looking to put the pension funds out for bids and needs full Committees to do this. **Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to appoint Chris Lincoln to the Police Pension

Committee. **Motion carried. Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to appoint Robert Howe to the Employee Pension Committee. **Motion carried.**

- c. Pension Update – Mr. Sichler said that he has been working with the Pennsylvania State Association of Boroughs and their pension expert who helped create the ordinance that was adopted in November about how the Borough should put pensions out for bid and also how to evaluate them. The RFP will be ready at the first of March for review by the Finance Committee and both pension committees. At the end of April, both committees will evaluate the applications and interview the top three candidates. A recommendation will then be forthcoming to enable Council to make a decision by the May Council meeting.
- d. Summer Recreation Manager Position and Recreation Coordinator Position – Mr. Sichler said he has spoken with the Recreation Commission about how to proceed and is suggesting advertising for two positions. The seasonal recreation program manager would oversee the playground, pool, and snack bar operations. He/she would work beginning a week or two before the pool opens, and would be responsible for purchasing, accounting, personnel, program content, etc.

The second position would be a part time recreation coordinator that would work part time on a year round basis. They would work as liaison between the Recreation Commission and Council and would be responsible for all of the activities that are held throughout the year. This position would have flexible hours, but would require fewer hours than in the past. Mr. Sichler said he would like permission to advertise the two positions to be finalized by the Personnel Committee.

Mr. Conrad felt that the Personnel Committee should review the positions to determine what is needed and how the duties could be split up. After much discussion it was decided that the summer seasonal position should be advertised for now. **Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to advertise for the seasonal recreation program manager (temporary position from May to September) with duties as outlined by the Borough Manager. **Motion carried.**

Mr. Sichler noted that George Vogel has been coming in and volunteering to help with the interviews of summer staff. Mr. Sichler recommended that Mr. Vogel be compensated at a rate of \$12.25 per hour for a maximum of 20 hours. **Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to reactivate George Vogel for a total of 20 hours to assist in the hiring of the part time personnel for the playground and the pool. **Motion carried.**

- e. Disciplinary Guidelines Policy – The Disciplinary Guidelines Policy has been revised and approved by the Personnel Committee and Council has reviewed it as well. **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to adopt the Disciplinary Guidelines Policy as presented in the Council packet. **Motion carried.**

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to approve the Borough Manager's Report. **Motion carried.**

8. **MAYOR'S REPORT & MAIN STREET REPORT:**

Mayor Keller said that plans are moving ahead to allow the Main Street Authority to become dormant, then to reorganize and rename the Main Street Foundation. Mr. Becker stated that discussions about the renaming the Authority have suggested the name 'West Reading Community

Revitalization Foundation' because in part they are looking to expand the program which would allow for the purchase of distressed homes and revitalize them. This would be done through grants from various private foundations. To do this, much of the functions of the Authority will have to be switched over to the Foundation. The Authority would meet only annually for reorganization. As part of this process, the functions, assets, and employees would be transferred over to the Foundation. The Elm Street program which is under the Authority would be transferred as well. Mr. Becker listed the series of resolutions that will have to be passed in order to make these changes. He noted that no action was necessary at this Council meeting however it was decided to move forward. **Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to authorize the execution of the various cooperation agreements, assignment of assumptions and the joinders of consents that are necessary to effect the change of transferring the assets from the Authority to the Foundation. **Motion carried.**

Mayor Keller referred to Mr. Rohrbach's written report and noted that the application for designation of the Center Point Neighborhood under the Keystone Communities program and \$550,000 in improvement funds were mailed to the State and are now being reviewed. Included in that application were twenty-two letters of support from organizational partners and other individuals with ties to the program. Within the application, documentation indicates a 87.7% match with local to state funds although only 50% is required.

As a final note, Mayor Keller stated that candidates were interviewed for the part time Police secretary and Tonya Reedy has been selected as the top candidate. He asked for Council's authorization to offer the position to Ms. Reedy contingent on the successful completion of a drug screen. He added that the background check was completed successfully. The pay rate will be \$12.28/hr. for 20 hours per week (Monday – Friday, 5:00 p.m. – 9:00 p.m.). **Moved** by Ms. Good-Ashman and seconded by Mr. Wert to hire Tonya Reedy for part time position with the West Reading Police Department, contingent on a successful completion of the drug screen, at the rate of \$12.28 per hour. **Motion carried.**

Mayor Keller also asked for an executive session to discuss some police personnel issues.

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to approve the Mayor's Report.

Motion carried.

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – There were no questions regarding Mrs. Levering's written report. **Moved** by Ms. Good-Ashman and seconded by Mr. Wert to approve the Chief Code Enforcement Officer's Report. **Motion carried.**
- b. Police Department – Chief Fabriziani reviewed the shooting incident that originated with West Reading officers but actually occurred in Cumru Township and therefore was taken over by Cumru police. He also reviewed two other incidents as detailed in his written report.

Chief Fabriziani also stated that Brenda Burke of S. 6th Avenue has requested a handicapped parking space on S. 6th Avenue, at Wayne Avenue because of a special needs child. He noted that the application meets all of the Borough's criteria. **Moved** by Mr. Gallen and seconded by Mr. Wert to advertise the proposed handicapped parking space at 138 S. 6th Avenue. **Motion carried.**

Moved by Ms. Good-Ashman and seconded by Mr. Wert to approve the Police Chief's Report.
Motion carried.

- c. Public Works – There were no questions concerning Mr. Murray's written report.
Moved by Ms. Good-Ashman and seconded by Mr. Wert to approve the Public Works Director's Report. **Motion carried.**

- d.. Fire Department – Chief Burkholder noted that he had distributed the year end reports to Council's mailboxes at Borough Hall. There were no questions concerning Chief Burkholder's written report.

Moved by Ms. Good-Ashman and seconded by Mrs. Heckler to approve the Fire Chief's Report.
Motion carried.

- e. Elm Street – This report was given under the Mayor's Report.

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Heckler reported that the Recreation Commission will conduct summer employee interviews on Wednesday and Thursday, February 22nd and 23rd, 2012. She also referred to the list of names in the report who wish to be reinstated for another term with the Commission. Discussion ensued regarding the previous list of appointments that had taken place as part of the reorganization in early January. Mr. Conrad then appointed all persons listed on the appointment list.

Moved by Ms. Good-Ashman and seconded by Mr. Wert to approve the Recreation Commission Report. **Motion carried.**

- b. Planning Commission – Mr. Wert said that the Commission continues to work on the Zoning ordinance changes. At the last meeting, Mr. Becker and Mr. Naugle had been in attendance to assist with the process and later Mr. Naugle, Mrs. Levering and Mr. Wert met to further discuss items that require tweaking. It is the intention that much of the amendment will be ready for discussion at the March Planning meeting.

Moved by Ms. Good-Ashman and seconded by Mrs. Heckler to approve the Planning Commission Report. **Motion carried.**

- c. Shade Tree Commission – There were no questions concerning the Shade Tree Commission report. It was noted that the special meeting had specifically dealt with tree varieties and locations.

Moved by Mr. Wert and seconded by Ms. Good-Ashman to approve the Shade Tree Commission Report. **Motion carried.**

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

Moved by Mrs. Heckler and seconded by Mr. Wert to approve the Safety Committee Report.
Motion carried.

- e. Environmental Advisory Council – There were no questions concerning the Environmental Advisory Council report of January 23rd.

Moved by Mr. Wert and seconded by Ms. Good-Ashman to approve the Environmental Advisory Council Report. **Motion carried.**

11. **TREASURER'S REPORT:**

- a. **Moved** by Mr. Gallen and seconded by Mr. Wert to approve the Revenue Report for the 1 months ending 1/31/2012. **Motion carried.**
- b. **Moved** by Mr. Wert and seconded by Ms. Good-Ashman to approve Payment Approval Report for 1/14/2012 - 2/15/2012 and 2/17/2012 – 2/21/2012. **Motion carried.**

12. **PUBLIC COMMENT:**

Karen Livingood stated that as a Recreation Commission member, she had some questions concerning personnel and asked if the Personnel Committee meetings were public. Because those meetings aren't public, she asked who she should contact for feedback. Mr. Conrad said she could contact him or Mr. Sichler with her concerns.

Tina Shenk spoke about the dog feces that have accumulated on the sidewalk adjacent to the Franklin Manor apartments, next to the school. Chief Fabrizio said that the security cameras at the school may pick up that area next to the school and could be used to identify the residents that are not cleaning up after their dogs. He said he would speak to Principal Corbett Babb about it. She also asked about the Zoning revisions and her concern that property owners may not be aware of the impending changes. Mr. Wert and Mr. Becker explained that all Planning meetings are open to the public, that any proposed changes must be advertised, that a Public Hearing must take place, and finally that Council must approve the changes before it becomes law so there will be ample opportunity for all residents and property owners to learn what the changes will mean for them.

Jennifer Faust (owner of 548 Penn Avenue) spoke about the business she owns and what transpired when she allowed exercise classes in the basement because it would become an integral part of her salon "On the Fringe". She complained about the permitting process and her dealings with the Codes department. Mr. Conrad explained that the use is probably not permitted in that zone and as part of the process, the application has to be denied in order for the appeal process to move forward either with the Zoning Hearing Board or with Council. Regarding her issues concerning accessibility, Mr. Becker said she would have to submit plans that would be reviewed by Mr. Naugle to determine whether accessibility is an issue, and if necessary, an appeal to the Department of Labor and Industry in Harrisburg would have to be filed.

Ms. Shenk asked that in situations such as this if Mr. Naugle could visit the property to quickly determine whether something can or can't be done without going through all of the permit paperwork. Mr. Becker said that Council recently passed an ordinance that will allow Mr. Naugle to review a proposal prior to applications being submitted, however there are fees for the service that must be paid by the applicant.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:24 p.m. to discuss personnel issues. When the meeting reconvened at 9:00 p.m., the following actions were taken:

Moved by Ms. Good-Ashman and seconded by Mr. Wert to deny the grievances presented by the West Reading Police Officers Association dated February 15th 2012 and authorize the Council President to execute the denial letters. **Motion carried.**

Moved by Ms. Good-Ashman and seconded by Mr. Wert to send a police officer for an independent medical examination. **Motion carried.**

Moved by Ms. Good-Ashman and seconded by Mr. Gallen to accept the terminated officers' and suspended officer request to waive the appeal of their discipline. **Motion carried.**

Mr. Conrad spoke about the Recreation Commission and noted that of the 13 people that may be appointed, one of them must be the Borough Manager. The list presented by the Recreation Commission had 14 names therefore two people on the list will have to be removed. Mrs. Heckler said she would discuss this at the next Recreation meeting.

14. **ADJOURNMENT:**

Moved by Ms. Good-Ashman and seconded by Mrs. Heckler to adjourn the meeting at 9:04 p.m.
Motion carried.

Respectfully submitted,

Cathy Hoffman
Administrative Assistant