

BOROUGH OF WEST READING – BOROUGH COUNCIL

March 20, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, March 20, 2012 with the following persons present: Council President Kevin M. Conrad; Vice President James J. Gallen Jr.; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, Deborah Hutcheson, 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; Elm Street Manager Dean L. Rohrbach; Administrative Assistant Cathy L. Hoffman; Borough Engineer Terry Naugle.

<u>VISITORS:</u>	Ruth Cardell	Temple
	Judy Yeakley	Resident, Sunset Road
	Rich Weiger	Resident, Sunset Road
	Jack Abel	Resident (Belovich Development)
	Diana Edwards	Resident (Belovich Development)
	George Columbo	Resident (Belovich Development)
	Andy Krufka	Business Owner, 534 Penn Avenue
	Tina Shenk	Business/Property Owner
	Amber Rambo	Resident, Sunset Road
	Audrey Schaeffer	Resident, Franklin Street
	Holly Zdravecki	Resident (Belovich Development)
	Stephanie Weaver	Reading Eagle

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

2. **PUBLIC COMMENT:**

Resident Rich Weiger, who volunteers at Sacred Heart School, spoke about the recent bank robbery on Penn Avenue and asked why the school wasn't notified, so the children could be kept inside, considering the school's close proximity to the bank. Chief Fabriziani explained that the bank was in Wyomissing's jurisdiction therefore it would have been their call to make. He also noted that West Reading's officers did assist at the scene, and it was very quickly determined that the situation was contained and there was no further danger. If the situation had escalated, schools would have been notified.

Business Owner Tina Shenk spoke about Andy Krufka who wishes to open a photography studio at 534 Penn Avenue, however the zoning for the property only allows retail uses on the first floor. She also spoke about other new businesses that are having issues because of zoning requirements. Mr. Krufka, who was also in attendance, spoke about his desire to locate his business on Penn Avenue, but has been advised by his attorney that it would be futile to bring his application to the Zoning Hearing Board. Mr. Conrad, Ms. Good-Ashman and Mr. Becker explained about the zoning on Penn Avenue, why the zoning is important, and that it is the obligation of the Zoning Officer to ensure that the zoning regulations are upheld. Mayor Keller asked Mr. Krufka to attend the next West Reading Community Revitalization Foundation meeting.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to approve the minutes of February 21, 2012. **Motion carried.**

4. **UNFINISHED BUSINESS:**

Belovich Townhouse Development – Mr. Becker said he has been in touch with the attorney for the bank who has stated that the bank will be willing to complete some of the work rather than have the Borough draw on the Letter of Credit. There were four residents in attendance who live in the development and they spoke about the unsightly mounds of dirt, the unsafe foundations, the deplorable condition of the roadways, and lack of street signs. After much discussion, it was decided that the following must be completed by the April Council meeting:

- A letter must be provided by a licensed engineer that says the foundations are suitable for construction. If they are still in good condition, then the foundations must be secured in a manner that will prevent any ingress by anyone, i.e. a permanently installed chain link fence.
- If they are unable to obtain the certification from the engineer, the foundations must be filled in.
- All grass/weeds must be cut.
- The mounds of dirt and rock must be removed; the area must be leveled in such a manner to ensure positive drainage.

By May the remaining items must be completed (road signs, repairs to sidewalks and curbs) and a plan for roadway paving must be in place. By June, the remaining paving must be completed, or they must provide the name of the contractor who will be completing the work and the time frame allocated for the work. This paving will only be required on the streets where homes have already been constructed, which also includes remedial work for partially paved roads.

Moved by Mrs. Kulesa and seconded by Ms. Good-Ashman to follow through with the bank for the list of items that need to be completed. **Motion carried.**

Recreation Coordinator Vacancy – Mr. Sichler said that an ad was placed in the newspaper on March 18th for a seasonal recreation program manager. Since then Personnel Committee has met to discuss the part time recreation coordinator and recommended the advertising of the position as 60 hours per month, year round, to act as liaison between the Recreation Commission and Council. This person will manage contracts, solicit donations and sponsorships, manage the budget, schedule fields, grant writing, etc. It was noted that this position will not be involved with the pool and summer playground events. **Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to advertise for the part time year round Recreation Coordinator position. **Motion carried.**

5. **ORDINANCES/RESOLUTIONS:**

- a. Ordinance No. 1008 – Two handicapped parking spaces have been requested and the ordinances have been prepared and advertised, and are available for action by Council. **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to adopt Ordinance #1008. **Motion carried.**
- b. Resolution 2012-10 – The Public Comment Resolution has been revised per the changes Council requested and is ready for adoption. **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to adopt Resolution 2012-10. **Motion carried.**

6. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker said that the conditional use application for the property at 426 Penn Avenue was approved by Council and the decision is now ready for execution. **Moved** by Ms. Good-Ashman and seconded by Mr. Wert to authorize the execution of the decision. **Motion carried.** (It was noted that Ms. Hutcheson and Mrs. Kulesa were not at that the

hearing and therefore would not be signing the document.)

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

- b. Engineer's Report – Mr. Naugle added to his written report by stating that he has had email correspondence with the pool contractor regarding their discussions with the bonding company.

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

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

- a. Animal Control Services Contract – Mr. Sichler said that the Animal Rescue League has been performing all of the Borough's animal rescue needs for \$500 per year however they have lost their state funding and will now require \$1000 per year to perform these services. It was noted that their fees have remained the same for a very long time. Council had concerns regarding the signing of the agreement so Mr. Sichler said he would ask them if it is necessary. **Moved** by Ms. Good-Ashman and seconded by Ms. Hutcheson to increase the donation to the Animal Rescue League of Berks County from \$500 to \$1000 per year with the understanding that the agreement won't be signed without the Solicitor first reviewing it. **Motion carried.**
- b. Council on Chemical Abuse – Young Lungs at Play Program – Mr. Sichler said that information has been received from the Council on Chemical Abuse offering to assist the Borough in prohibiting smoking in recreation areas, and anywhere children play. He added that the Council has a specialist who can assist in drafting an ordinance, considering that the Borough currently doesn't have a non smoking Ordinance. Chief Fabriziani was concerned because there may be some enforcement issues. Mayor Keller and Mr. Gallen had very positive remarks for the Council. Council authorized Mr. Sichler to review it further.
- c. Insurance Policies – Mr. Sichler asked to table this issue until after Executive Session because of legal issues.
- d. Public Safety Radios – A draft promissory note has been received from the County, that they are requesting the Borough to sign for the purchase of public safety radios. The note has a "not to exceed" dollar amount. Part of the correspondence dealt with the possibility of the Borough paying for the ambulance radios therefore it was decided that the Protection of Persons and Property Committee needs to discuss the request. Mr. Becker noted that the Borough Code speaks about the Borough providing support, however it is discretionary and if the Borough were to provide funding, they would be required to provide a list of all expenditures before Borough Council could consider giving further funding to the organization.

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 reported the following:

- At the March meeting the West Reading Foundation and West Reading Authority took all necessary actions to approve and sign all of the documents related to the creation of the new foundation which is the West Reading Community Revitalization Foundation.
- The new part time secretary for the Police Department has been training and has been working out well.
- A new business has opened on the 400 block of Penn Avenue called Delish.

- May 27th will be the opening day for the Farmers' Market on Penn Avenue.

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

Motion carried.

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering said that she needed to schedule two conditional use hearings prior to the next Council meeting. Both applications are for 2nd floor apartments in the Central Business District. It was decided that the hearings would be held at 6:30 p.m. on April 17th 2012.

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 Fabrizio said he has been informed by PennDOT that they will be doing roadwork for the next 9 months on the West Shore By-Pass between the Buttonwood Street Bridge and the Exeter line. They have requested to have an officer on site for traffic calming for the first portion of the work (about two weeks), which they will fully reimburse. He also reported that West Reading had assisted Wyomissing Police regarding the attempted bank robbery at M&T bank.

Moved by Mrs. Kulesa and seconded by Mr. Wert to approve the Police Chief's Report.

Motion carried.

- c. Public Works – In addition to his written report, Mr. Murray stated that the softball diamond is finished and will be cordoned off for the Easter Egg Hunt.

Mr. Sichler also reported that they have started the interview process for summer help for Public Works. He said that he had budgeted for three employees and have picked two already.

Moved by Mrs. Kulesa and seconded by Ms. Good-Ashman to hire Frederick Kline at \$7.25/hr and Dan Weaver at \$7.50/hr. for the road crew. **Motion carried.** It was noted that the work season will begin at Memorial Day and end at Labor Day, and will be a maximum of 40 hours per week with no overtime.

Mr. Sichler spoke about the backhoe attachment for the Bobcat which has not been used in the ten years that they have had the Bobcat. He requested permission to sell the backhoe attachment on the public surplus website, and use the funds to purchase an auger attachment.

Moved by Mrs. Heckler and seconded by Ms. Good-Ashman to advertise for sale the backhoe attachment for the Bobcat and purchase the auger attachment if sufficient funds are available. **Motion carried.**

Moved by Ms. Good-Ashman and seconded by Mrs. Kulesa to approve the Public Works Director's Report. **Motion carried.**

- d.. Fire Department – Chief Burkholder had nothing to add to his written report but noted that he has sent pictures of the new truck as it is being constructed. He added that the Chicken BBQ will be held on April 1st.

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the Fire Chief's Report.

Motion carried.

- e. Elm Street – Mr. Rohrbach referred to his written report and noted that a \$110,000 grant has been submitted to the Wyomissing Foundation. He added that David Weidenhammer, chair of the NAC has resigned but will continue to be active with the Identity Committee. The NAC will be recommending to the Community Revitalization Foundation that Amy Adams fill the

vacancy on the NAC; also that the NAC has elected Brice Matthews as the new Chair.

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

10. **COMMITTEE/COMMISSION REPORTS:**

a. **Recreation Commission** – Mrs. Kulesa referred to her written report and added the following:

- Recreation would like to hire the summer employees per the list that was attached, and fee schedule that was distributed.
- The hiring list varies slightly from last year however the number of hours overall have not been changed.
- The proposed position of Playground Manager who if approved, will provide more programs for the children and more direction.
- The Swim Team coaches will be paid by a lump sum instead of an hourly wage. Area swim team coaches are paid the same generally.
- Cleanliness is an issue with building maintenance which will continue to be worked on.
- A policy for employee and family pool memberships needs to be established.
- An ad has been placed in the newspaper for the position of Summer Recreation Manager. This will be discussed further at the upcoming Personnel Committee meeting.
- **Moved** by Ms. Hutcheson and seconded by Ms. Good-Ashman to approve the hiring of the proposed 2012 recreation seasonal staff that was distributed. **Motion carried.**
- The Easter Egg Hunt will be held on March 24th at 10:00 a.m.

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

b. **Planning Commission** – Mr. Wert referred to the Planning Commission minutes and noted they are continuing to work on the proposed changes to the Zoning Ordinance. A copy of the initial proposed language from GVC with the highlights in red was distributed to Council for their review. There are still some items that have not yet been reviewed by the Commission. Mr. Wert added that they have formally asked the Environmental Advisory Council for their input or comments concerning the "alternative energy" language.

Moved by Mrs. Heckler and seconded by Mr. Wert to approve the Planning Commission Report. **Motion carried.**

c. **Shade Tree Commission** – There was no quorum and therefore no report. Mr. Wert did ask about ash trees, specifically because of an insect that is deadly to ash trees and has just been discovered in Bucks County. Mr. Murray said that there are a few ash trees in the park, but nowhere else in the Borough.

d. **Traffic & Infrastructure Committee** – Mr. Conrad said there was no agenda nor any residents in attendance therefore there were no minutes. With regard to the Infrastructure Committee, Mr. Conrad said they discussed the Parkview Road Bridge, as well as the water system and sewer system.

Mr. Sichler said he met with the County concerning the bridge and that funding is available for repairs. There is \$389,000 available for repairs, which according to STV (PennDOT's engineering contractor for bridges) is sufficient to make the repairs. The first step will be to locate the right company to do the work (one who is familiar with this type of bridge and scope of work), then PennDOT will have to approve the proposed repairs. As well, the Borough will

have to pay for the repairs initially, then submit invoices to PennDOT for reimbursement. Alternatives such as closing the bridge were also discussed.

Moved by Mrs. Kulesa and seconded by Mr. Gallen to authorize Mr. Sichler to move forward by obtaining RFQs for the repair of the bridge. **Motion carried by a 5-2 vote.** Voting yes – Mrs. Kulesa, Mr. Gallen, Ms. Hutcheson, Ms. Good-Ashman, Mr. Wert. Voting no – Mrs. Heckler and Mr. Conrad.

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to approve the Traffic Committee Report. **Motion carried.**

- e. Environmental Advisory Council – In addition to the minutes, Ms. Rambo spoke about a recent event organized by the Sierra Club which introduced the children in attendance to insects, worms etc. along the Wyomissing Stream. She noted that the event was not well attended because it was difficult to get the word out on such short notice.

Moved by Mrs. Heckler and seconded by Ms. Hutcheson to approve the Environmental Advisory Council Report. **Motion carried.**

- f. Safety Committee – There was nothing further to add to the written report.

Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Safety Committee Report. **Motion carried.**

11. **TREASURER'S REPORT:**

- a. **Moved** by Mr. Gallen and seconded by Mr. Wert to approve the Revenues with Comparison to Budget Report for the 2 months ending 2/29/2012. **Motion carried.**
- b. In response to Mrs. Kulesa's question, Mr. Sichler said that there were two line items listed as "Wi-Fi for Council Chamber" with one attributed to the police budget and one to the general budget. He explained that a Wi-Fi connection was run to the Council chamber and a second line was run in Codes for their new network copier. This has been corrected by the Treasurer.

Moved by Mr. Gallen and seconded by Mrs. Kulesa to approve Payment Approval Report for 2/22/2012 - 3/16/2012 as corrected. **Motion carried.**

12. **PUBLIC COMMENT:**

Amber Rambo asked who is watching the cameras at the playground and Mr. Conrad said that they only record activity at the playground. No one will view the recorded activity unless there is a situation that requires its use. Mrs. Kulesa said that someone has to be delegated for use of the equipment and Chief Fabriziani said that he would be that person who would preserve the chain of evidence in the event of a criminal case.

Tina Shenk asked about the clean up of the gutters along Penn Avenue. Mr. Murray said that they would work on it.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:28 p.m. to discuss pending litigation and personnel. When the meeting reconvened at 10:28 p.m., the following action was taken. **Moved** by Ms. Good-Ashman and seconded by Ms. Hutcheson to repeal Ordinance 829 as of January 18, 2000. Mrs. Kulesa abstained; Voting Yes: Ms. Hutcheson, Mr. Gallen, Ms. Good-Ashman, Mrs. Heckler, Mr. Wert, Mr. Conrad. **Motion carried.**

14. **ADJOURNMENT:**

Moved by Ms. Hutcheson and seconded by Mr. Gallen to adjourn the meeting at 10:30 p.m.

Motion carried.

Respectfully submitted,

Cathy Hoffman

Administrative Assistant