

BOROUGH OF WEST READING – BOROUGH COUNCIL

April 17, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, April 17, 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>	Pete Gustis	Resident
	Zhijin Chen	1118 Bern Rd., Wyomissing
	Li Feng	1118 Bern Rd., Wyomissing
	Tina Shenk	Property/Business Owner
	Karen Livingood	Resident
	Audrey Schaeffer	Resident
	Amber Rambo	Resident
	Stephanie Weaver	Reading Eagle
	Joseph R. Caccione	Property Owner
	Oswald Herbert	Resident

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. Mr. Conrad then reconvened the Conditional Use Hearing which had been held at 6:30 p.m. and he explained the reasons for the Hearing and the locations of the properties being discussed.

Council was asked if they had any questions concerning the Conditional Use application for the property at 450 Penn Avenue. **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to approve the Conditional Use application for 450 Penn Avenue, based upon the information given at the Hearing, with the condition that the property comply with all Codes, Zoning, Health and Safety requirements. **Motion carried.**

Moved by Ms. Good-Ashman and seconded by Mr. Gallen to approve the Conditional Use application for 520 Penn Avenue per the Hearing this evening, with the condition that the property comply with all Codes, Zoning, Health and Safety requirements. **Motion carried.**

The Hearing was then closed and the regular Council meeting convened at 7:03 p.m.

3. **PUBLIC COMMENT:**
Cal Hassan (West Reading Diner 411 Penn Avenue) spoke about the difficulty they are having getting a permit for their outdoor patio. He said that it has been approved for the past two years but this year it has not been approved because of a table being too close to a public 'Main Street' bench and people who are sitting on the bench are pulling the table over to the bench. He said that they have no control over the public who are doing this and the recommended solution is to remove the table. Mrs. Levering said she spoke with the owner and explained that the permit would be approved with the exception of the two tables by the bench. She said that this has been an ongoing problem with the tables blocking the bench and the ordinance doesn't allow for the tables to be permanently affixed to the sidewalk. Mr. Hassan asked if the bench could be moved, so Mr. Conrad said that the Borough Manager would review the situation to find a solution.

Business owner Tina Shenk said that the Business Association is working hard to help businesses so any help that the Borough could give to the West Reading Diner would be appreciated.

Resident Oswald Herbert spoke about the recent murder in the Borough and about the businesses that are open for business at the particular time of day where their patrons are the type that are more inclined to criminal activity. He suggested that there should be a nuisance business program. Mr. Becker said he is unaware of any nuisance ordinance or license however it does raise an interesting question. After some discussion, Council decided that Mr. Becker should look into it and report back at the next Council meeting.

4. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the minutes of March 20, 2012.
Motion carried.

5. **UNFINISHED BUSINESS:**

Belovich Townhouse Development – Mr. Becker reported that after the last Council meeting, he had sent a lengthy email to the bank detailing the items that must be completed and the deadlines for each. Since that, many of the items have been done including the weeds being cut, and Fortna Inc. being paid for the damage to their storm water system. The piles of sand have not been removed because it could have been used to backfill the foundations if they were not usable, however the foundations have been inspected by a structural engineer and deemed to be usable. Forino has agreed to do the fencing work which should be arranged by the end of the week and a contractor has been contacted to remove the piles of dirt and grade that area. This will be done as soon as possible.

The bank has also stated in writing that they do not expect any problems meeting the deadlines that the Borough has stipulated. Mr. Becker noted that Mr. Naugle has confirmed that sufficient funds exist in the letter of credit to complete all of the necessary work, if the Bank defaults. These documents would have to be delivered to their letter of credit office in Lancaster and then the check would be issued for payment. It was also noted that certain amounts of the letter of credit are for municipal improvements, which the Borough can complete if the bank defaults, however there are funds earmarked for other things beside municipal improvements that may not be covered. The letter of credit may not have sufficient funds to complete any work to the foundations (backfilling, fencing, decking, etc.) because that wasn't part of the escrowed amount. Discussion ensued regarding whether Council should draw on the letter of credit now and complete the work, however it was noted that the only item that has not been completed per Council's directive thus far is the securing of the foundations which has been scheduled for follow through. In the end, it was decided to let them continue to resolve the issues. It was also noted that the damaged sidewalks adjacent to the development need to be fixed as part of the work.

Parkview Road Bridge – Mr. Sichler said that he was notified by STV that a more recent inspection has been completed and he will be meeting with them to go over the bridge report. He said that this information is needed before they put the RFQ out.

6. **ORDINANCES/RESOLUTIONS:**

- a. Ordinance 1007 – **Moved** by Mr. Gallen and seconded by Ms. Hutcheson to approve Ordinance 1007. **Motion carried.**
- b. Ordinance 1009 – **Moved** by Mrs. Heckler and seconded by Mr. Wert to approve Ordinance 1009. **Motion carried.** Mrs. Kulesa abstained.

7. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker had nothing further to present. He did however request an executive session.

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

- b. Engineer's Report – Mr. Naugle said that Candlewood Suites has requested the release of their letter of credit and Mr. Naugle has recommended that it be returned. Mr. Conrad added that the letter has been held for the maintenance period of 18 months which has come and gone.

Moved by Mrs. Kulesa and seconded by Mr. Gallen to release the remaining portions of the letter of credit for Candlewood Suites. **Motion carried.**

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

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

- a. Recreation Positions – Mr. Sichler said that the Summer Recreation Program Manager position has been advertised, the application period has closed, and applications have been forwarded to the Personnel Committee for review. He added that the Personnel Committee has asked that the Recreation Commission become more involved with the selection process and that one Commission member be involved with the complete process, therefore the Commission has appointed Mrs. Heckler.

- b. Smoking Ordinance (COCA) – Mr. Sichler asked for direction with the proposed smoking ordinance, whether the Borough wants to ban smoking in all areas of the park, or have some areas where it would be permitted. After some discussion Mr. Conrad directed the Recreation Commission to discuss it further and bring a recommendation back to Council.

- c. Commission/Board Appointments – Mr. Sichler referred to the list of revised appointments, one reappointment, and one new appointment. He said that with regard to the Recreation Commission, a revision of terms is necessary to stagger the expiration dates, however there was a question regarding the total number of members for the Commission. After some discussion (it was noted that the Borough Manager and Recreation Coordinator are not members of the Commission) there was still one extra member therefore Rick Wilkes was removed (he had volunteered to do so). **Moved** by Mr. Wert and seconded by Mr. Gallen to approve the list as presented by Mr. Sichler for the Recreation Commission (without Rick Wilkes), the Zoning Hearing Board (reappointment of Rodney Baer) and the Vacancy Board (appointment of Stewart McDonough 4/17/12 – 12/31/12) and the removal of the Borough Manager from the Recreation Commission. **Motion carried.**

- d. Tree Services Contracts – Mr. Sichler said that he had sent bid requests out to three companies for tree trimming and tree removal. The tree removal doesn't require Council approval because of the dollar amount, and one of the tree trimming requested bidders declined, therefore he will have to find another.

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

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

Mayor Keller updated Council regarding the upcoming events:

- Saturday, April 21st – 5th Annual Earth Day events (10:00 a.m. – 2:00 p.m.)
- Saturday, May 19th – Armed Forces Day Parade 10:00 a.m.
- Sunday, May 27th – Farmers' Market on Penn Avenue

Mayor Keller also reported that interviews have begun for the part time police officer. He, along with Ms. Good-Ashman (Chair of the Protection of Persons and Property Committee) and Chief Fabrizio will be conducting the interviews.

Mayor Keller said the Tracey Levering, Chief Code Enforcement Officer would like to begin the process of hiring two part time enforcement personnel by advertising those positions. He noted that these positions were discussed and allocated in the 2012 budget. **Moved** by Mr. Wert and seconded by Mrs. Heckler to approve the advertising for the two part time code enforcement officers, as previously discussed. **Motion carried.**

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

10. **DEPARTMENT REPORTS:**

- a. Code Enforcement – In addition to her written report, Mrs. Levering provided Council with updated information concerning an issue that had been raised by Ms. Shenk at the last Council meeting.

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 spoke about the March 24th shooting at the diner and noted that the investigation is going well.

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

- c. Public Works – Mr. Murray spoke about the street cleaning pilot project and explained that permanent signs have been installed on Kent Way, Ann Street and Oak Terrace. Things have been going well, with warning notices being given to those who don't move their vehicles. It was also noted that all other streets in the Borough will be posted for cleaning as needed. Yard waste was also discussed and Mr. Murray told Council that yard waste can be dropped off at the Borough Garage, but only by appointment.

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

- d.. Fire Department – Council had no questions for Chief Burkholder regarding his written report. Chief Burkholder did add that he will be checking on the progress of the new ladder truck this week and will send photographs to Council.

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

- e. Elm Street – Mr. Rohrbach said that of the \$550,000 grant requested from DCED, Elm Street will be receiving \$50,000 for the implementation portion and \$250,000 for the public works portion. He will be applying for the remaining \$250,000 in July. He added that the \$50,000 will be used for NAC projects such as “Let’s Paint the Town” and another project that is being planned for the 100 block of S. 5th Avenue called “5th Avenue Light and Landscape”. Mr. Rohrbach also reported that he and John Woodward (from the Community Revitalization Foundation) have been looking at properties to purchase as the first PARR property and have identified a home on the 400 block of Chestnut Street. He said that this block has been targeted for two projects - “Let’s Paint the Town” and streetscape improvements. He was also happy to report that the Elm Street program is being designated as one of the first Keystone Community Elm Streets in the State. This will help in obtaining future funding.

Moved by Mr. Gallen and seconded by Mrs. Heckler to approve the Elm Street Manager’s Report. **Motion carried.**

11. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Kulesa said that there was nothing in her report that required action. She did note the upcoming Father Daughter Dance on May 4th. She also thanked Chief Burkholder for the use of the Fire Company for the Easter Egg Hunt.

Mrs. Heckler said that she had discussed pool membership with Mr. Sichler and it was decided to meet in September or October to form a committee to discuss the issue and come up with a recommendation. After some discussion it was decided that this committee would be comprised of Recreation Commission members and no more than three Council members.

Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Recreation Commission minutes of April 3rd. **Motion carried.**

- b. Planning Commission – Mr. Wert said that proposed changes to the Zoning Ordinance have been distributed to Council for their review. He added that there are some other items that will require discussion, including Conditional Uses in the Central Business District that came up earlier in the meeting.

Mr. Wert also reported that Ron Shaffer has resigned from the Planning Commission. **Moved** by Mr. Gallen and seconded by Mrs. Heckler to accept the resignation of Ron Shaffer from the Planning Commission. **Motion carried.** Mr. Conrad said that anyone interested in filling the vacancy should contact Mr. Sichler.

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

- c. Environmental Advisory Council – In addition to the minutes, Ms. Rambo noted that the Environmental Advisory Council would have a table at the Earth Day events at Riverfront Park on Saturday.

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

- d. Safety Committee – There were no questions.

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

12. **TREASURER'S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve the Revenues with Comparison to Budget Report for the 3 months ending 3/31/2012. **Motion carried.**
- b. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve Payment Approval Report for 3/12/2012 – 4/12/2012 and 4/13/2012 – 4/16/2012. **Motion carried.**

13. **PUBLIC COMMENT:**

Tina Shenk asked when the trees along Penn Avenue would be trimmed and Mr. Sichler said that it has been budgeted however not all trees will be trimmed – just those that require it.

14. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:30 p.m. to discuss personnel. When the meeting reconvened at 9:50 p.m. it was **Moved** by Ms. Hutcheson and seconded by Ms. Good-Ashman to terminate the 'heart and lung' benefits authorized under the letter dated December 27th 2011. **Motion carried.**

15. **ADJOURNMENT:**

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to adjourn the meeting at 9:51 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant