

BOROUGH OF WEST READING – BOROUGH COUNCIL

May 15, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, May 15, 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, Philip C. Wert, Borough Manager Richard J. Sichler, Police Chief Edward C. Fabriziani, Fire Chief Mark D. Burkholder, Borough Solicitor Daniel P. Becker, Public Works Director Dean E. Murray, Elm Street Manager Dean L. Rohrbach, Administrative Assistant Cathy L. Hoffman, Borough Engineer Terry Naugle. Amy B. Good arrived at 7:20 p.m. Mayor Shane J. Keller and Chief Code Enforcement Officer Tracey L. Levering were unable to attend.

VISITORS:	Ruth Cardell	Temple
	Amber Rambo	Resident
	Stephanie Weaver	Reading Eagle
	Mariette Bray	Resident
	Oswald Herbert	Resident
	John Roland	The Reading Hospital
	Holly Zdravecki	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. **PUBLIC COMMENT:**
Resident Oswald Herbert asked if the Borough is enforcing the use of colored concrete on Penn Avenue and commented that there were a few areas where the concrete was replaced but without using colored concrete. He also noted that gas meters are being mounted at the front of buildings which is creating an eyesore. He also asked about zoning for satellite dishes and commented about old dishes not being removed when something new is installed. Mr. Conrad said that the Zoning Officer would investigate, and Mr. Wert noted that satellite dishes are in the zoning ordinance however have never been enforced.
3. **APPROVAL OF COUNCIL MINUTES:**
Moved by Mr. Gallen and seconded by Ms. Hutcheson to approve the minutes of the Public Hearing on April 17th and the regular Council minutes of April 17th, 2012. **Motion carried.**
4. **UNFINISHED BUSINESS:**
Belovich Townhouse Development – Mr. Becker reported that he continues to be in touch with the solicitor for the bank who says the bank intends to have everything completed per the Borough's directives. Mr. Becker stated that things are progressing; the sand piles have been removed, they are preparing to install the traffic and street signs per the original approved plan, weeds and grass have been taken care of, and they are preparing to secure the foundations. Also, B. R. Kreider has been contracted with to complete the road paving.

Mr. Sichler noted that Elm Street and the alley that parallels Tulpehocken will not be top coated yet because there are empty lots at those locations. He also noted that there is some question concerning the direction of traffic on two of the alleys and Council subsequently directed Great Valley Consultants to review the plans.

Holly Zdravecki, a resident of Barnhardt Way, asked if funds are in place to complete the work and if the roads will be dedicated to the Borough by the winter months. It was noted that the Borough does intend to have the roads dedicated to the Borough by winter, but if Elm Street remains in the bank's possession for the winter, the bank will be responsible for snow plowing. It was also suggested that they could contract with the Borough for snow plowing if necessary. Ms. Zdravecki noted that existing properties in the development have significantly decreased in value and they are very anxious to have everything completed. There has also been some speculation that there are two potential purchasers for the uncompleted properties.

Mr. Becker asked Council if the progress is sufficient to allow the bank to continue with the work instead of

the Borough requesting the funds from the letter of credit. Council agreed to allow the bank to continue with the work, which the bank assures will be completed by the June 19th deadline.

Smoking Ordinance – Mr. Sichler said he had nothing additional to report.

5. **ORDINANCES/RESOLUTIONS:**

- a. Street Cleaning Parking Restrictions – A trial program for street cleaning was implemented on Ann Street, Oak Terrace and Kent Way to allow streets to be swept on the second and fourth Tuesdays of the month from April to November between 8:00 a.m. and noon. Signs were installed but in order to enforce the ‘no parking’, an ordinance must be in place. **Moved** by Mr. Gallen and seconded by Ms. Good to advertise the ordinance. **Motion carried.**
- b. Cable Franchise – Mr. Becker said that Council, along with a group of municipalities had retained Dan Cohen as special counsel to negotiate with Comcast to renew the cable franchise agreement. The agreement was distributed for review, however before the ordinance is advertised and adopted, a public hearing must be held. This must be completed before the agreement can be signed. Mr. Becker reported that the rate will stay the same at 5%, which is the maximum revenue that can be obtained from a cable franchise agreement. Mr. Cohen also negotiated with Comcast a grant for \$8,154 which will cover the costs associated with the agreement. They have also offered a free internet connection at Borough Hall and cable to all other Borough buildings. The agreement will be in place for ten years which is the standard length of an agreement.

Moved by Ms. Good and seconded by Mrs. Heckler to advertise the Cable Franchise Ordinance. **Motion carried.**

6. **CONSULTANTS’ REPORTS:**

- a. Solicitor’s Report –
The Reading Hospital – Mr. Becker introduced John Roland who represents the Reading Hospital who are planning to construct a new facility for surgical suites and private patient rooms. Mr. Becker that representatives from the hospital had attended the Planning Commission meeting on May 2nd to request that a conditional use hearing be scheduled as soon as possible, even though the application has not yet been submitted. A second request is for a waiver to file the preliminary and final plans together as a combined plan. Mr. Becker noted that the Planning Commission has recommended to Council that the Hospital’s request to combine the plans be approved.

Mr. Roland spoke briefly about the proposed project, the presentation and discussions that took place at the Planning Commission meeting. Discussion ensued concerning the waiver and Mr. Naugle said that he doesn’t see any advantage if Council were to approve the waiver request to combine the preliminary and final approvals. This would only shorten the process by 30 days at best.

Mr. Becker explained the process (per the MPC) by stating that once a plan is submitted for approval, the municipality has 90 days to approve or deny the plan. If the Borough requires an extension, it is up to the developer to grant or not grant the extension, however if it is not granted, the municipality will have to reject the plan. If it is rejected, they will have to start the process from the beginning again, or challenge the rejection. In this case, if the preliminary plan is submitted, the Borough will have 90 days to approve the plan, then the final plan will be submitted if everything has been resolved with the preliminary plan. If the two plans are combined, the Borough will have to proceed more quickly. Mr. Becker also explained that almost all of the issues will be resolved with the preliminary plan with third party approvals being left to the final plan. Discussion continued regarding the possible third party approvals that may be required as part of this project.

Moved by Ms. Hutcheson and seconded by Mr. Wert to waive preliminary plan approval and go directly to preliminary/final plan approval. Voting yes: Ms. Hutcheson; Voting no: Mrs. Kulesa, Mr. Wert, Mrs. Heckler, Ms. Good, Mr. Gallen. Mr. Conrad abstained because he is employed by the Hospital’s engineering consultant. **Motion defeated.**

Mr. Becker noted that the next step in the process will be the Conditional Use Hearings, which will be scheduled as soon as the Hospital submits the application.

County Radio Update – The County radio agreements that were rewritten have been received however Mr. Becker has not reviewed them yet. They are available if Council wishes to read them in advance.

Floodplain Ordinance – FEMA is requiring an update of the Floodplain Ordinance. Mr. Sichler explained that changes have been made to the Floodplain Map and FEMA requires that the ordinance is updated accordingly. Without the updated ordinance, property owners in the flood plain can't get federal flood insurance. This was reviewed by the Planning Commission, recommendations were made, and a draft was submitted to the Pennsylvania State Association of Townships which was the agency hired to prepare the submission. FEMA has responded that everything appears to be in order however a final version has not been approved. Mr. Becker noted that there are very few effected properties in the Borough and Mr. Sichler added that no new properties have been added to the map. He also noted that the ordinance must be in place by July, therefore Council needs to approve the advertising of a public hearing and ordinance.

Moved by Mr. Gallen and seconded by Mrs. Heckler to advertise the public meeting and the ordinance. **Motion carried.**

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

- b. **Engineer's Report** – Mr. Naugle spoke about the planned work at the pool, however he said that the weather has not been dry enough to allow paint to dry. There was prolonged discussion concerning the amount of time necessary for painting and drying before the pool could be opened, and the possibility that it may not happen at all unless the opening of the pool is postponed. **Moved** by Ms. Good and seconded by Mr. Gallen to delay the opening until June 2nd unless the weather is such that the painting has not been completed by May 22nd then the pool will be filled and open as normally scheduled. **Motion carried.**

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

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

- a. **Bridge Inspection** – Mr. Sichler said that a letter has been received from PennDOT concerning the inspection for the Parkview Road Bridge, which must be completed every two years. He stated that PennDOT can complete the inspection with funds being deducted from the Liquid Fuels Fund or the Borough can hire an engineer to complete the inspection. **Moved** by Mr. Gallen and seconded by Ms. Kulesa to have PennDOT inspect the Parkview Road Bridge per the agreement. **Motion carried.**
- b. **Reading Marathon** – Mr. Sichler reported that a very preliminary request has been received to run a marathon through the Borough in 2013 (also through Reading, Wyomissing, and Muhlenberg). This would close up both Buttonwood Street and Penn Avenue for most of the day. Council was not opposed to the idea however there was some discussion about the costs associated with such an event as well as the idea of having both bridges closed, therefore it was suggested that Mr. Sichler convey Council's concern about the route and encourage the organizer to use the trail system. Also, Chief Fabriziani said that Wyomissing has recently updated their event ordinance and suggested that West Reading look at doing something similar.
- c. **Reading PILOT Requests** – Two letters from Mayor Spencer (City of Reading) were received requesting payment in lieu of taxes for the two tracts of land that the Borough owns which are in the City of Reading. The properties are at 801 and 901 Old Wyomissing Road, adjacent to the park, on the other side of the creek. It was suggested that the letters are form letters being sent to every non-profit land owner in the City in an attempt to generate revenue. As there are no services being provided by the City for these properties, Council decided not to act on the request.

- d. Tree Trimming Contract – Mr. Sichler said that he has sent out Requests for Proposals for tree trimming and noted that trimming was not completed last year. The RFP for 2012 includes Sycamore Road from 5th to Linden (mature Sycamores); Spruce from 4th to 5th (mature Sycamores); Ann between Pine and Sunset (large Zelkova trees). The low bid was from Shriner Tree Service (certified arborists) at \$17,675. The other bids were \$21,400 and \$23,150. **Moved** by Ms. Good and seconded by Ms. Hutcheson to approve the contract with Shriner Tree Service for \$17,675. **Motion carried.**
- e. Summer Crew Hire – **Moved** by Ms. Good and seconded by Mr. Wert to hire Stuart Case at \$7.25 per hour for the summer crew. **Motion carried.**
- f. Recreation Summer Program Manager – The Personnel Committee and Mrs. Heckler (representative from the Recreation Commission) interviewed three candidates and it was their recommendation to hire Chad Olivard, who is a local school teacher.

Moved by Ms. Good and seconded by Mr. Gallen to offer the position to Chad Olivard for the amount specified. **Motion carried.**

Moved by Ms. Good and seconded by Mr. Gallen (if Mr. Olivard does not accept the offer) to authorize the Personnel Committee and Mrs. Heckler to select a second candidate from the existing pool of interviewed candidates, and offer the position to that person. **Motion carried.**

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

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

Mr. Conrad said that Mayor Keller was unable to attend the meeting, however asked that everyone be reminded that the Armed Forces' Day Parade will be held on Saturday, May 19th at 10:00 a.m. and that the Farmers Market opens for the season on May 27th at 9 a.m. Ms. Hutcheson also noted that the Love West Reading Block Party will be held on Friday, May 18th from 5:00 – 8:00 p.m.

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering was unable to attend however there were no questions therefore Council approved the written report.

Moved by Ms. Good-Ashman and seconded by Mr. Gallen to approve the Chief Code Enforcement Officer's Report. **Motion carried.**

- b. Police Department – Chief Fabriziani reported the following:

- The first arrest has been made in the Diner homicide case; more arrests are anticipated.
- Two burglaries and one attempted burglary occurred on the north side of the Borough.
- Officer Marks has asked Council's approval to take courses toward a Criminal Justice Degree for which he will be reimbursed once he has passed the course (up to \$2000 per calendar year).
Moved by Mr. Gallen and seconded by Mr. Wert to approve Officer Chad Marks' request.
Motion carried.
- Parking restrictions will be in place on May 19th for the Armed Forces' Day Parade.
- The County radio project is proceeding with the set up of some of the tower sites. Questions remain concerning the agreement for the 7 year loan. Discussions are continuing regarding the dispatch zones and internal talk groups.
- The part time officer hiring process is continuing with interviews being scheduled for later in the week. Hopefully, by the next Council meeting a candidate will have been chosen for Council's approval.

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

- c. Public Works – Mr. Murray had nothing further to add to his written report, however Mrs. Kulesa thanked the crew for all of the work done at the Pavilion, in preparation for the Summer Program.

Mr. Sichler said that at Council's request he had looked at the situation with the bench at the West Reading Diner and has found a solution by moving the bench to the west side of the property by the chain link fence. This will allow more room for the seasonal dining tables that are placed at that location. **Moved** by Mr. Gallen and seconded by Mrs. Kulesa to authorize the Borough crew to move the park bench to the specified location that was agreed upon by the owner of the Diner. **Motion carried.** Mr. Conrad noted that Mrs. Levering can now issue the permit for the remaining portion of the Sidewalk Café permit.

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

- d.. Fire Department – Chief Burkholder referred to the list of equipment for the new truck that is part of the capital budget for this year. He said he obtained pricing from three vendors, and using the least expensive, the total amounts to \$28,586.83 plus freight. This is significantly less than would be paid if the equipment had been included with the purchase of the truck. He noted that of the \$40,000 budgeted, approximately \$2000 was previously spent for two saws, and the funds remaining after the equipment purchase will be used to mount the equipment on the truck. **Moved** by Mrs. Kulesa and seconded by Ms. Hutcheson to approve the purchase of the equipment in the amount of \$28,586.83 plus freight which will be part of the line item costs. **Motion carried.**

Chief Burkholder also reported that there were three careless smoking fires recently, all of which had the potential to be major incidents.

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

- e. Elm Street – Mr. Rohrbach announced that Elm Street has been successful in being awarded a \$80,000 grant from a local foundation and that a check presentation will be scheduled for the next Council meeting. He also reported that the Earth Day event was very successful and thanked Mrs. Heckler, Mrs. Kulesa, Mr. Wert, Mr. Sichler and Mayor Keller for their assistance.

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

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Kulesa noted her written report and also reported that the Father Daughter Dance had been a success and thanked Mr. Sichler for his assistance. Mrs. Heckler reported that the refrigerator in the BiCentennial House is not working properly.

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

- b. Planning Commission – Mr. Wert reported that the Commission continues to work on revisions to the zoning ordinance, including the use of apartments on the second floor in the Central Business District. He added that Mr. Naugle will be putting together some language to review at the next meeting. Council then briefly discussed the issue of rain barrels and the potential problems for that should be covered in the ordinance.

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

- c. Shade Tree Commission – There were no minutes from the Shade Tree Commission.

- d. Traffic Committee – There were no questions regarding the Traffic Committee report.
Moved by Mr. Gallen and seconded by Mr. Wert to approve the Traffic Committee report. **Motion carried.**

The minutes from the Infrastructure Committee were also presented. Mr. Conrad noted that there were no action items.

- e. Environmental Advisory Council – In addition to the minutes, Ms. Rambo noted that the Sierra Club had sponsored another event in the Borough however only 9 children had attended. Council discussed ways to get the word out to families in the Borough.

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

- f. Safety Committee – There were no questions.

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

11. **TREASURER'S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Revenues with Comparison to Budget Report for the 4 months ending 4/30/2012. **Motion carried.**
- b. **Moved** by Ms. Hutcheson and seconded by Mr. Gallen to approve Payment Approval Report for 4/17/2012 – 5/09/2012 and 5/11/2012 – 5/15/2012. **Motion carried.**

12. **PUBLIC COMMENT:**

Amber Rambo spoke about Crime Watch and the recent burglaries.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:02 p.m. to discuss litigation. When the meeting reconvened at 9:15 p.m., no action was taken.

14. **ADJOURNMENT:**

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to adjourn the meeting at 9:15 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant