

BOROUGH OF WEST READING – BOROUGH COUNCIL

June 19, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, June 19, 2012 with the following persons present: Council President Kevin M. Conrad; Vice President James J. Gallen Jr.; Council Members Elizabeth L. Heckler, Deborah Hutcheson, 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. Council Members Nathalie R. Kulesa and Amy B. Good were unable to attend.

<u>VISITORS:</u>	Ruth Cardell	Temple
	Ryan Hottenstein	Financial Solutions
	Jim Keller	Resident
	Audrey Schaeffer	Resident
	Stephanie Weaver	Reading Eagle
	Tina Shenk	Property/Business Owner
	Karen Feridun	Kutztown

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:**
Audrey Schaeffer said that a Desert Storm plaque had been presented to the Borough in 1991 and wondered about its location. Mr. Conrad said that they would look for it.
Tina Shenk said that Art on the Avenue was hugely successful and thanked Chief Fabriziani, Chief Burkholder and the Borough crew for all of their hard work.
3. **APPROVAL OF COUNCIL MINUTES:**
Moved by Mr. Gallen and seconded by Mrs. Heckler to approve the minutes of May 15, 2012. **Motion carried.**
4. **UNFINISHED BUSINESS:**
Resident Jim Keller introduced Karen Feridun (Kutztown Planning Commission Chair) who spoke about the newly enacted Act 13 which supersedes all local ordinances related to oil and gas operations. The Act removes all existing zoning and planning in a municipality by permitting oil and gas operations anywhere in a municipality, including residential neighborhoods, near daycares, hospitals, etc. and removes all decision making from local government. She said that during the 60 day window before the law would take effect the Delaware Riverkeeper Network filed a lawsuit calling the law unconstitutional and obtained an injunction. The Court is currently hearing testimony which is why she is seeking Council's support.
Moved by Mr. Gallen and seconded by Mrs. Heckler to adopt Resolution 2012-12 'In Support of the Act 13 Challenge'. **Motion carried.**
5. **ORDINANCES/RESOLUTIONS:**
 - a. Ordinance 1010 – The Cable Franchise Agreement Ordinance has been advertised and is ready for adoption. **Moved** by Ms. Hutcheson and seconded by Mr. Gallen to adopt Ordinance 1010, authorizing the execution of the Cable Franchise Agreement. **Motion carried.**
Moved by Mr. Wert and seconded by Mr. Gallen to authorize the execution of the agreement. **Motion carried.**
Moved by Mr. Gallen and seconded by Mrs. Heckler to authorize the signing of the letter from Comcast as part of the Agreement. **Motion carried.**

- b. Ordinance 1011 – Ryan Hottenstein of Financial Solutions had prepared a refinancing package and noted that bond notes are at an all time low. He said that the refinancing will refund the 2003 bonds as well as pay for the new ladder truck. It was noted that the Borough will see \$236,000 in savings over the next ten years. Mr. Gallen said that members of the Finance Committee had met with Financial Solutions and reviewed the documents. He commended Mr. Sichler for his outstanding work in restructuring the debt. It was noted that the monthly cost for the fire truck will be able to be covered by the fire tax, which Council increased in 2010. The ordinance, setting forth the Borough's intent to issue a series of general obligation bonds, was advertised but required ratification. **Moved** by Mr. Gallen and seconded by Ms. Hutcheson to ratify the advertising of the ordinance. **Motion carried.**

Moved by Mr. Gallen and seconded by Ms. Hutcheson to enact Ordinance 1011. **Motion carried.**

Mr. Hottenstein also provided a list of documents that will require signatures:

1. A Bond Parameters Ordinance that will need to be ratified which structures a 'not to exceed' amount per state law requirements.
2. Addendum to the Bond Purchase Agreement
3. Borrowing Base Certificate
4. Debt Statement pursuant to the Local Government Debt Act

Moved by Mr. Gallen and seconded by Ms. Hutcheson to authorize the execution of the list of documents. **Motion carried.**

- c. Ordinance 1012 – This is the ordinance for the no parking street sweeping trial for Ann Street, Oak Terrace and Kent Way. It was noted that the ordinance was advertised and is ready for enactment. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to enact the ordinance. **Motion carried.**
- d. Ordinance 1013 – Mr. Sichler reiterated the information that had been presented at the May Council meeting regarding the Floodplain Ordinance. It was noted that the ordinance was advertised and is ready for enactment. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to enact the ordinance. **Motion carried.**
- e. Resolution 2012-11 – Mr. Conrad noted that this resolution sets the sewer surcharge rates for industrial waste per the JMA and effects only one borough business. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve Resolution 2012-11. **Motion carried.**

6. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker reported concerning the following:
- The Belovich property work has been completed and that a letter has been received from their counsel advising that their obligation has been fulfilled per the list of items as required by Borough Council. Mr. Sichler said that he and Mr. Naugle had walked the property and the only outstanding item is the traffic pattern for two of the alleys which is something that they have agreed to leave outstanding until a decision is made. A traffic study has been completed and will be distributed to Council for action if necessary.
 - Mr. Becker reminded Council about the Conditional Use Hearing that is scheduled for June 25th for the proposed Reading Hospital surgical tower.
 - The County is still working on the contracts for the radio.
 - The Wyomissing Creek Watershed Ordinance has been distributed for Council's review and Mr. Becker explained that there are seven municipalities cooperating to put a plan in place per DEP's requirements to control the watershed, with particular concern about sediment. The initial contribution from the Borough is \$5000 which will help to pay for the planning portion of the project. The next phase will be implementation of certain programs and improvements but that will not be for several years. DEP has been very pleased with the inter-municipal cooperation that has taken place and will be using it as an example for other areas. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to authorize the advertising of the ordinance. **Motion carried.** It was also noted that there is an agreement that will need to be signed along with the ordinance which will be distributed to Council for the next meeting.

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

- b. Engineer's Report – Mr. Naugle referred to his written report and noted that he has been working with Mr. Sichler and Mr. Murray concerning the upcoming sidewalk projects.

Mrs. Heckler asked about the painting of the pool and it was noted that the performance bond (which is in effect until 2014) for the contractor is being held until the work is completed satisfactorily.

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

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

- a. Cell phones – Mr. Sichler reviewed the Borough's current policy regarding pricing for employees, the problems that are occurring with the current provider (Sprint), and the situation the Borough is facing because the push-to-talk feature is being phased out. He added that he has been speaking with Verizon, Sprint, and AT&T to obtain pricing for municipal packages.
- b. Pension Plan Update – Mr. Sichler said he is waiting for internal reviews from the Pension Committee of the two proposals that were received. Interviews will follow, with a recommendation being brought forward to Council at the July Council meeting.
- c. There is a vacancy on the Planning Commission and applications are being accepted until July 12th.

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

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

Mayor Keller referred to the May 7th Community Revitalization Foundation minutes and noted that the board is currently working on a governance manual to give guidance to the committees and volunteers in handling contracts, soliciting funds etc. He also noted that Art on the Avenue was a tremendous success and that the Farmers' Market continues to grow and is doing well.

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

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – There were no questions concerning the Code Enforcement report.

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

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

- Regarding the burglaries previously reported on the north side of the Borough, one individual will be charged and another arrest is forthcoming.
- Two arrests have been made in wallet thefts from businesses on Penn Avenue that were occurring about a year ago.
- Arrests have been made regarding burglaries that occurred on Penn Avenue about 18 months ago.
- Art of the Avenue went very well with no incidences reported. Fire Police were of tremendous help.
- A Ragnar Relay race, scheduled for October 5th and 6th will begin in Lancaster and runners will begin arriving in West Reading around 4:00 p.m. No special police assistance is required however an agreement must be signed, per PennDOT regulations. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to authorize the signing of the agreement to allow the relay through the Borough. **Motion carried.**
- An agreement with the DA's office needs to be signed. It concerns information sharing for intelligence purposes with law enforcement officials of Berks County as well as 5 counties outside Philadelphia and Lehigh County. This will provide a larger database than the COBRA database that has been used in the past. **Moved** by Mr. Gallen and seconded by Mrs. Heckler to authorize the signing of the agreement with the District Attorney's office. **Motion carried.**
- Part time officers have been interviewed and the list has been reduced to six, in ranking order. Background checks are currently being completed on all six and permission is being requested to hire four to be utilized for part time employment at a rate of \$16.50 per hour for one year, with an increase after

one year to \$17.36 per hour. Chief Fabrizio explained that the officers will be used to cover vacations, training, sick leave, etc. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to authorize the hiring of four part time police officers upon successful completion of the background checks. **Motion carried.**

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

- c. Public Works – There was a question concerning some recent road cut repairs being completed by UGI and it was noted that although they pay a fee to cut the roadway, funds are not being placed in escrow to ensure proper completion of the work. Mr. Conrad said that the Traffic Committee will look at this issue.

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

- d.. Fire Department – Chief Burkholder announced that the fire company would be holding a company picnic at the Reading Phillies All Star Game on July 11th where one of the fire company members will throw out the first pitch as the "Home Town Hero".

Chief Burkholder also reported that the new ladder truck should be ready for final inspection during the week of July 9th, however it will still need to be lettered and have equipment mounted therefore it will not be ready for service until August. He also thanked Mr. Sichler and Council for arranging the financing of the ladder truck.

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

- e. Elm Street – Mr. Rohrbach referred to his June 4th report, and added that the contract with the State had just arrived and West Reading has become the second designated 'Keystone Community' in the State. Mr. Becker said he has reviewed the contract and it is in order, but there are a significant number of things that must be done in conjunction with the contract. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to authorize the execution of the contract. **Motion carried.**

Mr. Rohrbach also spoke about two upcoming projects – Let's Paint the Town (400 block of Chestnut) will begin in mid August and culminate on September 12th; The 5th Avenue Light and Landscape project will begin as soon as all property owners have signed off on it. There are eight properties and five have already approved the work.

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

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Heckler reported that everything is going well at the pool and the playground. The playground children are currently preparing to participate in Wyomissing's 4th of July parade. She also noted that the seesaw is broken again.

Mr. Sichler said that he and Pool Manager George Vogel had reviewed resumes in hopes of hiring three lifeguards who will be able to work until the end of the season. **Moved** by Mrs. Heckler and seconded by Ms. Hutcheson to hire lifeguards Bryn Spezialetti, Patrick Maher and Steven Nicodemus at \$7.25 per hour on a part time basis. **Motion carried.**

There was a question regarding lifeguards being on duty at night on the 4th of July however it was noted that no one will be swimming during the fireworks therefore there will be no guards on duty.

Mr. Sichler reported that donations for the fireworks have been provided by the Reading Hospital, Kuhn Funeral Home, Third and Spruce Café, and R. M. Palmer.

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

- b. Planning Commission – Mr. Wert highlighted the Zoning Ordinance amendments in the minutes and noted that the Commission has reviewed the idea of a photography studio being a use that is in keeping with the businesses in the Central Business District therefore Mr. Naugle will prepare the necessary language.

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

- c. Shade Tree Commission – There were no action items

Moved by Mr. Gallen and seconded by Ms. Hutcheson to approve the Shade Tree Commission Report from May 2012. **Motion carried.**

- d. Environmental Advisory Council – There was nothing to add to the written report.

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

11. **TREASURER'S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve the Revenues with Comparison to Budget Report for the 5 months ending 5/31/12. **Motion carried.** Mr. Wert asked if it would be possible to have a short report at the next meeting giving an overall picture of where we are at the midpoint of the year.
- b. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve Payment Approval Report for 05/16/2012 - 06/18/2012. **Motion carried.**

12. **PUBLIC COMMENT:** There was no public comment.

13. **EXECUTIVE SESSION:** There was no Executive Session.

14. **ADJOURNMENT:**

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to adjourn the meeting at 8:18 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant