

BOROUGH OF WEST READING – BOROUGH COUNCIL

July 17, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, July 17, 2012 with the following persons present: Council Vice President James J. Gallen Jr.; Council Members Elizabeth L. Heckler, Deborah Hutcheson, Nathalie R. Kulesa, 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. Kevin M. Conrad and Amy B. Good were unable to attend.

<u>VISITORS:</u>	Ruth Cardell	Temple
	Peter Goda	Resident
	Diane P. Price	Armed Forces day Parade
	Guy M. Selheimer	St. James Church
	Sean Frey	Reading Eagle
	Tina Shenk	Property/Business Owner
	Karen Livingood	Resident
	Michael Doyle	Resident
	John Roland	The Reading Hospital (arrived at 7:55 p.m.)
	Oswald Herbert	Resident

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

2. **PUBLIC COMMENT:**

Diane Price thanked Council for their assistance with the Armed Forces Day Parade which took place in May and presented certificates of appreciation to Mayor Keller, Chief Fabriziani, Chief Burkholder, Sergeant Keith Phillips, Council President Kevin Conrad, and the Borough.

Guy Selheimer said that he had attended to speak about the sign for Saint James Church however after having spoken with the Borough solicitor, they would proceed through the proper channels.

Michael Doyle made these comments concerning the Conditional Use Hearing for the Reading Hospital:

- The existing heliport is out of code and that when the new heliport is built the old one will be used as a backup. Being that it is insufficient to support the size of the aircraft they are bringing in today, he urged Council to take that into consideration because it would not be in the best interest of the residents to have it as a secondary heliport.
- The size, scope and services provided would classify the hospital as a big city hospital, certainly one of the largest in the State however it resides in a Borough of about 4900 people. He has discussed the route of the ambulances with the Traffic Committee and suggested that sirens are not necessary on 5th Avenue, and further that ambulances should turn right on Spruce Street, then left on 7th Avenue to access the emergency department. Using that route would remove the necessity to use sirens because there would be no traffic signals. This would be safer and better serve our residents.
- At the Traffic Committee meeting, he had referred to guidelines for building a heliport, and made a recommendation that air traffic be restricted to a certain height above R1, R2, and R3 residential sections which would help with the noise and provide a better quality of life.

Oswald Herbert reiterated what Mr. Doyle had said about quality of life and siren noise, and noted that fire trucks from Reading also use Penn Avenue/5th Avenue to travel to other parts of the City. He stated that ambulances are using their sirens all along Penn Avenue.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mrs. Heckler and seconded by Ms. Hutcheson to approve the minutes of June 19, 2012. **Motion carried.**

4. **UNFINISHED BUSINESS:**

Mr. Becker said that the Resolution for Act 13 was passed at the June 19th meeting however has not yet been signed. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to authorize the execution of Resolution 2012-12 'In Support of the Act 13 Challenge'. **Motion carried.**

5. **ORDINANCES/RESOLUTIONS:**

a. Ordinance 1014 – This was discussed under the Solicitor's report.

6. **CONSULTANTS' REPORTS:**

a. Solicitor's Report – Mr. Becker reported concerning the following:

- The Belovich property will not be going to foreclosure sale until the end of the year as there have been difficulties determining who owns certain parcels of land. This may delay the Borough taking over the streets.
- The Wyomissing Creek Watershed Coalition Ordinance has been advertised and is ready for enactment. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to enact Ordinance 1014. **Motion carried.** Also, the cost sharing Cooperation Agreement among the participating municipalities is ready for execution. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to execute the Wyomissing Creek Watershed Stormwater Coalition Cost Sharing and Cooperation Agreement. **Motion carried.**
- Settlement for the bond issue is July 27th and Mr. Becker reported that they were able to obtain an even better rate which will result in an additional \$100,000 savings over the life of the bonds. He stated that there are a number of documents to be executed:

- General Certificate
- Non-arbitrage Certificate
- Continuing Disclosure Certificate
- IRS form 8038G
- Sinking Fund
- Depository Payment Account
- Closing Statement
- Proceeds Instruction Letter
- 21 Bonds

Moved by Mr. Wert and seconded by Ms. Hutcheson to authorize the execution of the aforementioned items. **Motion carried.**

- A draft of the Reading Hospital Conditional Use Decision has been prepared and will be reviewed by Council as they conclude the deliberations during Executive Session.

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

b. Engineer's Report – Mr. Naugle stated that the contractor for the 3rd Avenue sidewalk project has redressed the sinking areas with topsoil and seed, therefore he recommends the release of all but \$500 of the outstanding balance. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to release the funds to the contractor in the amount of \$11,844.23. **Motion carried.**

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

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

- a. Pension Plan Update – Mr. Sichler said that two responses had been received for the RFP (both police and non uniform pension plans), the candidates have been interviewed, and a tentative company has been chosen. The Committee has recommended that they go into a due diligence phase for the next 30 days to verify the information that was provided. A recommendation will be brought to Council at the next meeting.
- b. Planning Commission Vacancy – Mr. Sichler contacted everyone that was interested in the vacancy however there was only one response. Rather than advertise it further, it was decided to move forward with the appointment. It was noted that the candidate is an engineer-in-training who has already served on the Police Pension Fund Committee. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to appoint Chris Lincoln to the Planning Commission. **Motion carried.**

- c. Financial Update – Council had requested a mid-year financial update and Mr. Sichler reviewed the graphs he had prepared. Most revenue items are on track however Mr. Sichler recommended holding off on some projects until they have a clearer picture.

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

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

Mayor Keller referred to the June Community Revitalization Foundation minutes and noted that the board is currently working on a governance manual to provide guidance for the committees and volunteers in handling contracts, soliciting funds etc. He also noted that the Farmers' Market continues to do well, despite the hot weather and farmers continue to sell out each week. As a final note, Mayor Keller mentioned that the Community Revitalization Foundation has submitted an agreement of sale for a property on 7th Avenue which will be refurbished through the PARR program.

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

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering was asked about the status of the two condemned properties and she reported that they remain condemned.

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

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

- The Wyomissing Areas School District has requested the review and execution of a report of incidences that occurred on school grounds, which is required through the Safe Schools Act. Mr. Becker has reviewed the document, and Chief Fabriziani must verify the number of incidences before signing it.
- Brewers Bar and Grill has requested the closure of the 100 block of S. Third (between Franklin and Chestnut) to hold a fundraiser for the Muscular Dystrophy Association tentatively on September 29th between 2:00 p.m. and 8:00 p.m. Chief Fabriziani recommended three stipulations if the request is to be approved:
 - provide an addendum on their liquor license for the event
 - provide an insurance rider naming the Borough as additional insured
 - have one officer on location for the duration of the event to be paid at the current overtime rateGrape (between Yarnell and Third) would also have to be closed. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve the fundraiser with the three stipulations. **Motion carried.**
- Calls have been received concerning a minor scam on Penn Avenue where a man has been visiting businesses to see if they have certain employment posters displayed. If they do not, he attempts to make them pay \$50 because they are not in compliance. There have been two incidences and C.I. Brown has been looking into it. Information will be disseminated to the business community within the next few days.
- August 7th is National Night Out beginning at 5:00 p.m.
- All four part time police officer candidates have passed their background checks however the physical agility test must be completed before the offer of employment can be made. Once the offer is made, a drug screen, medical exam and psychological exam must also be completed.

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

- c. Public Works – Mrs. Kulesa complimented the landscaping that was completed at the southern entrance to the Borough, just before bridge. It was also noted that residents can still bring yard waste to the Borough Garage for disposal, and that the purchase of a dump truck as well as other items have been put on hold until a clearer financial picture for the remainder of the year is determined.

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

- d.. Fire Department – Chief Burkholder reported that the new ladder truck is complete and that the manufacturer has asked to display the truck at a show on the 20th in Baltimore. In return, they will be providing some extra equipment at no charge. Chief Burkholder said that he hoped to have it available for National Night Out on August 7th. It was also noted that the new truck has a lot of features that will require much training which will probably take until the end of the year for everyone to complete.

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

- e. Elm Street – Mr. Rohrbach announced that the first PARR (Property Acquisition Rehabilitation Resale) project is underway with the house at 23 S. 7th Avenue under agreement, with settlement scheduled for October 1st. After the County's rehab specialist evaluated the property and prepared work specification sheets, bids went out to nine contractors, with five of them submitting bids however only two were complete. Mr. Rohrbach also announced the annual Summer Block Party which will be held on July 21st.

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

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Kulesa spoke about the presentation made by the Council on Chemical Abuse at the last Recreation Commission meeting concerning the "Young Lungs at Play" program. She noted that it is the recommendation of the Recreation Commission that an ordinance be passed to prohibit the use of all forms of tobacco in the park, with the exception of the area by the pool that is currently designated for smoking. Mrs. Kulesa said that the purpose is to eliminate second hand smoke as well as the littering of cigarette butts. Chief Fabrizio said that such an ordinance would not be enforceable, and recommended that it be adopted as a regulation as part of the park land ordinance. After further discussion it was decided to postpone the decision until the next Council meeting, and Mrs. Kulesa said she would contact other municipalities that have recently adopted this ordinance to ask how they are dealing with it.

Mrs. Kulesa also thanked Chief Fabrizio, Chief Burkholder, Officer Holben, K-9 Officer Fox and the Sheriff's Department for their participation in the Playground program. She also announced that the Kim Manning Memorial Swim Meet will be held on July 23rd.

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

- b. Planning Commission – Mr. Wert reported that the Planning Commission discussed the final proposed revisions of the Zoning Ordinance and a formal recommendation was passed by the Commission that the amendments begin the process to be adopted by Council. The next step in the process is the legal review which will be followed by advertising of a public hearing.

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

- c. Traffic Committee – There were no questions regarding the written report.

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

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

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

11. **TREASURER'S REPORT:**

- a. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to approve the Revenues with Comparison to Budget Report for the 6 months ending 06/30/2012 and the Payment Approval Report for 6/19/12 – 7/12/12 and 7/14/12 – 7/16/12. **Motion carried.**

12. **PUBLIC COMMENT:** Tina Shenk thanked Council for approving the block closure for Brewer's Bar and Grill. She also suggested that in order to make the playground a better place for the children, smoking should be banned.

13. **EXECUTIVE SESSION:** Council adjourned to Executive Session at 8:25 p.m. When Council reconvened at 9:15 p.m. the following motions were made:
- **Moved** by Ms. Hutcheson and seconded by Mr. Wert to order an IME. **Motion carried.**
 - **Moved** by Mrs. Heckler and seconded by Mr. Wert to promote Selene Schwartz to Concession Stand Manager and adjust her salary appropriately. **Voting yes** – Mrs. Heckler, Mr. Wert, Mr. Gallen, Ms. Hutcheson. **Voting no** – Mrs. Kulesa. **Motion carried.**
 - **Moved** by Mrs. Heckler and seconded by Mr. Wert to extend a job offer to Vicky Graff as Recreation Coordinator, a part time position at a rate of up to \$15.00/hr. **Voting yes** – Mrs. Heckler, Mr. Wert, Mr. Gallen, Ms. Hutcheson. **Voting no** – Mrs. Kulesa. **Motion carried.**
 - **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the conditional use application subject to conditions as follows:
 1. The applicant will relocate the heliport to the new building and that the existing heliport will be able to be used for limited purposes when the primary heliport is not functional or in an emergency type of situation.
 2. The applicant will create a policy that will establish a sticker program for hospital personnel for parking of vehicles so they are not parked on Borough streets, and they will report the sticker program information to the Borough as requested. The applicant will not be held liable for the employees that may violate the system but that ultimately they will take disciplinary action if appropriate against those who do violate it.
 3. The applicant will prepare as part of the planning review process a land development plan that will include how they will handle the construction vehicles, the storage and transportation of products, as well as the transportation routes to and from the site. (This will be part of the Planning Commission process.)
 4. The applicant will create a policy that will require all employees to make sure that they are not littering within the Borough or on hospital property including but not limited to cigarette butts and that if employees violate this policy, the hospital will take appropriate action against them.
 5. The applicant will provide adequate security at the property, throughout the facility including the emergency room facilities and will provide reports to the Borough.
 6. The applicant will ensure that there is adequate parking for their facilities and the various uses, and to the extent that they don't, they would have to trim back their uses to comply with the level of parking that is available.
 7. Any of the conditions that may be imposed through the land development process must be complied with as a condition of this approval.
 8. The applicant must comply with all the zoning ordinance requirements as a condition of this approval.
 9. The applicant must obtain all permits and approvals and pay the necessary fees for those permits and approvals as part of this application.
 10. The applicant will construct the project in a manner consistent with all applicable rules and regulations of the Borough.
 11. The applicant is bound by all of the testimony that they provided at the Conditional Use Hearing.**Motion carried.**

Mr. Becker stated that he will prepare the document and submit it to the applicant within 45 days of the date of the hearing.

14. **ADJOURNMENT:**
Moved by Mr. Wert and seconded by Mrs. Heckler to adjourn the meeting at 9:25 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant