

BOROUGH OF WEST READING – BOROUGH COUNCIL

September 18, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, September 18, 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, Philip C. Wert; Mayor Shane J. Keller; Borough Manager Richard J. Sichler; 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. Absent: Police Chief Edward C. Fabriziani

Residents/Property Owners in Attendance:

James T. Rogers	Nancey Seghetti	Carl Garman	Audrey Schaeffer
Amber Rambo	Rita Ditsky	Linda Wayne	Dennis Wayne
Bev Gilbert	Jay Kupiszewski	Angela Kupeszewski	Russell Schollenberger
Phyllis Schollenberger	Christine Gilfillan	Bethany Bower	Oswald Herbert
Tom Kupiszewski	Peter Goda	Patricia Ritz	Robin Ammon
Tina McDonough	John Turner	Tina Shenk	Kathleen Jones
Doris Heckman	Steve DeLucas	Marguerite DeLucas	Diane Custer
Denise DeAntonio	Leni Lorah	Robert Howe	Nancy E. McNally
Karen Livingood	Valentin Rodriguez, Jr.	Rose Kugler	Terry Siggins
Grace Craze	Jeroen Harmsen	Kathy Freymoyer	John F. Adams
Edward Ledwith	Other Visitors: Ruth Cardell, Ron Ladd, Donna Ladd, Joe Brown, Gloria Loges		

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. He then read a prepared statement on behalf of the Mayor and Council about the current state of the West Reading Police Department which stated in part that they are taking steps to investigate each credible allegation of wrongdoing that has been brought in front of the Mayor and Borough Council and until the investigation is complete and action is taken, the Mayor and members of Council may not comment on personnel matters or matters under investigation. He added that while they are working through these issues they will continue to do all that they can to ensure the safety and security of the Borough.

2. **PUBLIC COMMENT:**

James T. Rogers stated that before the meeting began, a packet was given to the Reading Eagle reporter that contained a copy of the Council minutes from the last meeting, something that he has been denied access to until the minutes are approved by Council. Mr. Conrad stated that he did not disagree therefore the reporter will no longer receive a copy of the minutes until after they have been approved. Mr. Rogers then questioned the payment of a suspended officer during his suspension and Mr. Becker stated that there is a process which the Borough followed in that situation.

Christine Gilfillen (resident and Director of Education and Community Outreach for “Women in Crisis”) spoke about her concerns for the safety of women in the Borough because of the reported lack of response by some members of Borough law enforcement with regard to a recent PFA incident. She then explained how a PFA works and why it is important for officers to always enforce it.

John Turner, business owner at 516 Penn Avenue, spoke about the need for a skate park where kids can skate safely, given the large number of skateboarders in the area. Mr. Conrad asked Mrs. Kulesa to bring the issue to the Recreation Commission and she indicated that this has been discussed recently and would contact Mr. Turner with a meeting schedule. Mr. Conrad thanked Mr. Turner for the demonstrations that were done as part of the Fall Festival.

Steve DeLucas said that in order to control the increasing costs of West Reading's dysfunctional police department, it should be disbanded and police services be contracted with a neighboring municipality.

Valentine Rodriguez, Jr. referred to the policing study that had been completed in 2009 and asked Council to consider a recommendation from the report to consolidate the West Reading and Wyomissing police departments. He added that there were many other suggestions in the report.

Russell Schollenberger spoke about the meeting held at the fire company several years ago concerning the cost of policing and made negative comments about the department and its leadership.

Oswald Herbert recommended that Council contact the Department of Community and Economic Development who will evaluate the police department and provide guidance to rebuild the department into a cohesive unit with good leadership.

Carl Garman said that you can't put a price on residents' safety and regionalizing would result in slower response times. He felt that the entire department shouldn't be blamed for a few problem people.

John Miskell said that the leadership of the department is the problem, and that most of the guys on the street are doing a good job.

Diane Custer spoke about battered women and said that they need all the help they can get.

Nancy McNally said she was a victim of domestic abuse and that Officer Ladd helped her.

Jay Kupiszewski said that there are many good officers in West Reading and that regionalization would not be a good thing for the Borough.

Leni Lorah said that although she has had positive interaction with Officers Ladd and DeLozier, she had a bad incident with another officer in August and will now be reluctant to contact police again.

Rose Kugler said she has no confidence in the police department and thinks that regionalization would be a good thing.

Robin Ammon spoke about the importance of having police officers that will respond and do their jobs when asked, and that there must be rules and regulations, with the Chief setting the standards.

Edward Ledwith was concerned why an arrest order was not followed and said that it is a systemic problem. He was also concerned that the DA has not taken action as well.

Grace Craze said that there are a lot of good police officers in the Borough but it's the leadership that is the problem.

Amber Rambo spoke about the Citizens Police Academy and what she learned about what police officers jobs are like. She said that enough is enough and the problems need to be resolved.

Kathy Freymoyer said she wants to be sure that something is going to be done and that the department has an effective leader.

3. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:00 p.m. When the meeting reconvened at 10:25 p.m. the following actions were taken:

Mr. Becker explained that several months ago, three officers were terminated and one was given a 30 day suspension with regard to the taser incidents that had occurred. As part of due process, they appealed the decision and it went to arbitration. The arbitrator made a decision which was released a few days ago, which the Borough is now bound by. Mr. Conrad then read the decision:

The grievance of Sgt. Matthew Beighley is denied. The grievances of Sgt. Ryan Phillips and Officer Karetas are sustained in part and denied in part. The Borough has cause to discipline but not to discharge Sgt. Ryan Phillips and Officer Karetas. As a remedy, the Borough is directed to convert Sgt. Ryan Phillips' and Officer Karetas' terminations to 120 working day suspensions. Both officers are to be reinstated to the department as soon as practical after issuance of this decision and award. The request of the grievance to be made whole including the receipt of back pay and benefits is specifically denied. Further it is within the discretion of the Borough to reinstate Ryan Phillips at the rank it deems appropriate. The grievance of Officer Matthew Nguyen is sustained. As a remedy, the Borough is directed to rescind the 30 working day suspension and remove it from Officer Nguyen's personnel file. It is further directed to make Officer Nguyen whole for any losses incurred as a result of his suspension including but not limited to back pay and benefits during the 30 working day suspension. The arbitrator shall retain jurisdiction of this matter for the sole purpose of resolving any disputes over the implementation of the remedy.

Moved by Ms. Good and seconded by Mrs. Heckler to accept the arbitrator's decision dated 9/11/2012. **Motion carried.**

Moved by Mr. Gallen and seconded by Mrs. Kulesa to demote Officer Ryan Phillips from Sergeant to police officer effective immediately. **Motion carried.**

Moved by Ms. Good and seconded by Ms. Hutcheson to accept the arbitrator's decision dated 9/18/2012. **Motion carried.**

Moved by Ms. Good and seconded by Ms. Hutcheson to continue the administrative leaves of Chief Fabriziani and Officer Ladd pending the outcome of the ongoing internal affairs investigation. **Motion carried.**

As it relates to the matter of the Protection From Abuse order, the Borough's special counsel is continuing his ongoing investigation which was started at the time of the incident.

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to form a committee to explore all possible options on how we provide police services to the Borough of West Reading. **Motion carried.**

4. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mrs. Heckler and seconded by Mrs. Kulesa to approve the minutes of August 21, 2012. **Motion carried.**

5. **UNFINISHED BUSINESS:** none

6. **ORDINANCES/RESOLUTIONS:**

- a. Ordinance 1015 – Authorizing Municipalities to Enter Into An Inter-Governmental Agreement with Other Municipalities, to Participate in the Berks County MS4 Steering Committee.

Moved by Ms. Good and seconded by Mrs. Heckler to approve Ordinance 1015. **Motion carried.**

7. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker had nothing further to report.
- b. Engineer's Report –Mr. Naugle reported that four bids had been received for the 5th Avenue Sidewalk Project (an Elm Street project). Low bid was from Reamstown Excavating Inc. in the amount of \$81,363.51.

James Rogers, owner of one of the properties asked if the project includes the installation of grass and when he was told it was, he asked that the bid not be awarded because that was one of his stipulations. Mr. Rohrbach stated that one of the neighbors had volunteered to cut the grass at Mr. Rogers property in the interest of the project being completed as designed. Mr. Conrad explained that even though the project is awarded, a change order can be given as part of the work. Mr. Naugle noted that it is important to go forward with the project now because of the weather and the pricing, which was lower than anticipated.

Moved by Ms. Hutcheson and seconded by Mr. Wert to accept the low bid from Reamstown Excavating Inc. in the amount of \$81,363.51 for the 5th Avenue Sidewalk Project, contingent upon Mr. Rohrbach meeting with Mr. Rogers to resolve the issue. **Motion carried.**

Regarding the pool painting project, Mr. Naugle said that the contractor's attorney has stated that the contractor will be at the pool on Monday, September 24th to begin his prep work.

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

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

- a. The 2013 Minimum Municipal Obligation for both the police and non-uniform pension funds were distributed. Mr. Sichler said it indicates an increase in the Police pension fund to \$240,000 but the non-uniform will stay relatively the same. Mr. Sichler will certificate the documents and return them to the state.
- b. The Wyomissing Area School District would like to hold the annual bonfire and parade in West Reading on Friday, October 12th. The parade would start at the elementary school and proceed to the playground for the bonfire. **Moved** by Mrs. Kulesa and seconded by Ms. Good to approve the WASD homecoming parade and activities. **Motion carried.**
- c. County Radios – Mr. Becker said that contracts are coming in now, but that ordinances must be advertised and DCED approval must be obtained as part of the process.
- d. The Western Berks Water Authority is updating the articles of incorporation by revising the mission statement to not rely on Blue Marsh Lake as the sole source of water, which will allow them to look for other sources as needed. **Moved** by Mrs. Kulesa and seconded by Ms. Good to approve the revised changes to the articles of incorporation subject to comments that may be received by Borough Council not later than October 8th. **Motion carried.**
- e. **Moved** by Mrs. Heckler and seconded by Ms. Hutcheson to authorize Mr. Sichler to sign the certification of uncollected real estate taxes for 2011. **Motion carried.**

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

9. **DEPARTMENT REPORTS:**

Mr. Conrad stated that due to the late hour, all of the department meeting reports would be approved together.

Mr. Sichler however had one item that required a decision from Council. The van that had been purchased to carry fire equipment is no longer needed now that the new ladder truck is in service. He stated that it had been purchased for \$500 and now the Exeter Township Relief Association has offered \$1000 for it. It was noted that the Borough had spent \$1600 to get it inspected.

Moved by Mrs. Kulesa and seconded by Mr. Gallen to authorize the sale of the van to the Exeter Township Relief Association for the sum of \$1000. **Motion Carried**

Moved by Ms. Good and seconded by Mr. Gallen to approve the Code Enforcement, Public Works, Fire Department and Elm Street Manager reports. **Motion carried.**

Moved by Mr. Gallen and seconded by Mrs. Heckler to approve the West Reading Community Revitalization Foundation minutes of August 6, 2012. **Motion carried.**

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Kulesa said there were no action items in her report.

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

- b. Planning Commission – John O'Neill from Landmark Surveying was on hand to request two waivers for the Tina's Salon Annexation land development plan. As there was no quorum at the last Planning Commission meeting, a formal recommendation could not be made. The request was to waive preliminary plan approval, and to waive the requirement for monuments. **Moved** by Mr. Gallen and seconded by Ms. Good to approve the waiver requests subject to the Planning Commission agreeing to those waivers. **Motion carried.**

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

- c. Traffic & Infrastructure Committee – Several items were presented:

1. The property owner at 541 Chestnut Street is having difficulty backing out of his garage on Grape Street because of people parking on the north side of the alley (the minutes incorrectly stated that the parking needed to be modified on the 'south' side of the alley). Mr. Wert said that it was his understanding that an alley had to have 8' of clearance in order to accommodate parking. After some discussion it was decided to table the issue until Mr. Sichler has an opportunity to look at the location to determine where the no parking area should be located and if any other garages are being impeded.

2. James Rogers, owner of the property at 5th and Grape had complained about trucks driving over the curb and had requested limiting parking on the 400 block of Grape Street on trash days. Mr. Sichler said he had reviewed this further and that similar situations exist elsewhere in the Borough. He is compiling a list and has asked the trash company to also create a list as well. Mr. Conrad said that Council will review this at the next meeting once additional information has been gathered.

3. Morris Pace Assisted Living has requested that the 20 minute parking space in front of the facility be rescinded as it is no longer needed. **Moved** by Mr. Gallen and seconded by Mr. Wert

to rescind the 20 minute parking space. **Motion carried.** The ordinance will be advertised along with the other parking items.

4. There is a discrepancy in the ordinance the deals with parking on street sweeping days. It currently states that parking is prohibited Oak Terrace from 4th Avenue to 3rd Avenue when it was intended to state the entire length of Oak Terrace and therefore needs to be revised.

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to revise the current ordinance for that trial program to include the entire length of Oak Terrace. **Motion carried.**

5. There were no infrastructure items to present.

d. Environmental Advisory Council – There were no action items.

Moved by Mrs. Heckler and seconded by Mr. Wert to approve the Environmental Advisory Council Minutes of August 27, 2012. **Motion carried.**

e. Safety Committee – There were no recommendations or motions from the Safety Committee.

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa 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 8 months ending 08/31/2012. **Motion carried.**

b. **Moved** by Mrs. Kulesa and seconded by Ms. Hutcheson to approve Payment Approval Report for 08/21/2012 - 09/14/2012. **Motion carried.**

12. **PUBLIC COMMENT:**

James Rogers asked about the Hospital's request at the Traffic meeting for a parking change on Spruce Street and Mr. Conrad explained that the Committee had decided to look at the request further before taking any action.

13. **ADJOURNMENT:**

Moved by Mrs. Heckler and seconded by Mrs. Kulesa to adjourn the meeting at 11:05 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant