

BOROUGH OF WEST READING – BOROUGH COUNCIL

October 16, 2012 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, October 16, 2012 with the following persons present: Council President Kevin M. Conrad; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, 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 (arrived at 7:20 p.m.); Administrative Assistant Cathy L. Hoffman; Borough Engineer Terry Naugle.

Vice President James J. Gallen Jr., Deborah Hutcheson, Police Chief Edward C. Fabriziani and Elm Street Manager Dean L. Rohrbach were unable to attend.

VISITORS:

Ruth Cardell	Temple	Denise DeAntonio	Resident
Becca Gregg	Reading Eagle	Terry Siggins	Resident
James T. Rogers	Resident	Matt Althouse	Sinking Spring
Audrey Schaeffer	Resident	Kathleen Klinger	Resident
Jeroen J. Harmsen	Resident	Tina Shenk	Property Owner
Karen Livingood	Resident	Oswald Herbert	Resident
Carl Garman	Resident	Ron & Donna Ladd	Cumru Township
Amber Rambo	Resident	Grace Craze	Resident
Dennis & Linda Wayne	Residents	Sanford Alabovitz	Property Owner

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:**

Matthew Althouse of Sinking Spring said he was a victim of a crime perpetrated by a resident of the Borough, however charges have not been filed by West Reading police. Mayor Keller said that he would look into the matter and follow through with Mr. Althouse.

James Rogers asked if the District Attorney's case has been concluded however Mr. Becker said he did not know and suggested that Mr. Rogers contact the DA's office. Mr. Rogers asked about the status of the Chief and Officer Ladd and Mr. Becker explained that the Borough must follow due process, in accordance with state law. It is hoped that a decision will be forthcoming in the next two weeks. Mr. Rogers also commented about a fence at the playground that is unsafe and Mr. Conrad asked Mrs. Kulesa to look into it.

Sanford Alabovitz commented about the parking on Grape Street that impedes access to his garage and it was noted that this situation will be resolved by ordinance however Mr. Sichler is still gathering information regarding similar situations in the Borough.

Oswald Herbert spoke about the ongoing situation with the police department and Mr. Conrad explained that any decision made by Council can be taken to arbitration and once that process is complete, Council is bound by their decision.

Grace Craze commented about many issues: employees being paid during suspension, borough spending, maintenance to vehicles, taxes being too high, the Fire Company not being self-sufficient, etc. Mr. Conrad recommended that she attend the upcoming budget meetings.

James Rogers asked that the Council minutes, once approved, be distributed to the audience during the meeting. It was noted that before the minutes are approved, they are not a public record and therefore cannot be distributed. Mr. Conrad directed Mrs. Hoffman to have copies available the morning after the Council meeting.

Amber Rambo asked for an update regarding the zoning amendments, specifically concerning front yard fencing. Mr. Wert said that the amendments have gone to the Berks County Planning Commission however there has been another proposed amendment (concerning kennels, animal daycares, etc.) that must be sent to the BCPC as well. Once it has been reviewed, the public hearing can be scheduled and advertised. Mr. Becker said that the earliest the amendments could be passed would be at the December meeting, if all goes as planned.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the minutes of September 18, 2012. **Motion carried.**

4. **UNFINISHED BUSINESS:**

Traffic Committee Meeting (September 10th):

Mr. Sichler said that he is only about half way through surveying the alleys regarding parking restrictions for trash day and garage access.

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the amended September 10th Traffic Committee minutes. **Motion carried.**

Mrs. Heckler asked about Oak Terrace and Mr. Conrad said that the ordinance will have to be revised, then advertised and approved by Council. The residents of Oak Terrace will also be notified and a grace period of 30 days will be extended before the ordinance is enforced.

5. **CONSULTANTS' REPORTS:**

a. **Solicitor's Report** – There were a number of items in Mr. Becker's report:

- The Western Berks Refuse Authority (owner of the Western Berks Landfill) has been in contact requesting the Borough's assistance to revive the Authority for insurance purposes only. (The landfill was sold therefore it was felt that the Authority was no longer necessary). They are asking that the Borough execute a "Statement of Revival" to continue the life of the Authority. Mr. Becker said that they are not looking for any funds, because when the landfill was sold an escrow amount was set aside for insurance and any claims that might come about. **Moved** by Mr. Wert and seconded by Mrs. Heckler to execute the Statement of Revival for the Western Berks Refuse Authority. **Motion carried.**
- The Authority will require a representative from the Borough to sit on the Board, which will meet twice per year. Mr. Conrad asked for a volunteer from those residents present, however there was none, therefore Council will try to find someone to sit on the Board.
- A Memorandum of Understanding with the Berks County Conservation District that has been in place for some time needs to be updated and executed. **Moved** by Mr. Wert and Mrs. Heckler to authorize the execution of the Memorandum of Understanding with the Berks County Conservation District. **Motion carried.**
- A letter has been received from the County (Emergency Management Services) stating that the financing documentation must be in place by the end of November in order to ensure that sufficient quantities of radios are produced by Motorola. Mr. Becker said that an ordinance needs to be adopted authorizing the seven year financing option. There was a concern that the radios might become obsolete before they are paid for if the seven year option is chosen, however Mr. Sichler said that the design of the system will ensure that

they are usable for a long period of time. It was also noted that with the extended warranty, radios will be replaced as they become damaged or fail to work. **Moved** by Ms. Good and seconded by Mrs. Kulesa to proceed with the purchase of the radios over a seven year payback period. **Motion carried.**

Moved by Ms. Good and seconded by Mrs. Heckler to advertise the ordinance which will authorize the financing for the purchase of the radios over seven years, interest free, from the County. **Motion carried.**

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

- b. Engineer's Report – Mr. Naugle said that the contractor for the 3rd Avenue project has requested the release of the \$500 retainage, and noted that there is a separate maintenance bond in place until next fall. **Moved** by Ms. Good and seconded by Mrs. Heckler to approve the release of the \$500 retainage for the work on 3rd Avenue. **Motion carried.**

Regarding the land development plan for the property behind 400 Penn Avenue, Mr. Naugle said that the Planning Commission recommended the approval of the plan, and also confirmed the approval of two waivers, per Council's instruction. **Moved** by Mrs. Kulesa and seconded by Mr. Wert to approve the land development plan for the property at 400 Penn Avenue. **Motion carried.**

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

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

- a. **2013 Budget Draft / Meeting Schedule** – Mr. Sichler explained that a draft of the 2013 Budget has been distributed, however it doesn't include the updated Elm Street or Fire Company budgets. Budget meetings need to be scheduled however specific dates were not suggested.
- b. **Oak Terrace Removal of Trees** – Mr. Sichler reported that two large oak trees have root rot and need to be removed, as recommended by three arborists, and agreed upon by the Shade Tree Commission. He said that funds have been earmarked for the removal of other trees, however these trees will take priority because of the hazardous situation. It was noted that when a tree is a Borough tree, but located on the homeowners property, it will not be replaced by the Borough if it is taken down.
- c. **2011 Tax Collector Audit** and the **2011 DCED Municipal Annual Audit & Financial Report** – Mr. Sichler said that the audits were completed according to State regulations and have been distributed for Council's review. He noted that he saw nothing of concern in either of them.
- d. **Sewage Facilities Planning Module for the TRHMC 7th Avenue Project** – Mr. Sichler said that the document, prepared by SSM Group, addresses the ability of the Borough's sewage system to handle new development. He added that the Joint Municipal Authority also reviewed the Hospital's application and have determined that they have the capacity to treat the waste. As the final step, Council needs to approve the Planning Module by resolution. **Moved** by Ms. Good and seconded by Mr. Wert to approve Resolution 2012-13. **Motion carried.** (Mr. Conrad abstained because he is employed by SSM Group.)

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

7. **MAYOR'S REPORT & WEST READING COMMUNITY REVITALIZATION FOUNDATION REPORT:**

Mayor Keller noted that the September 10th West Reading Community Revitalization Foundation

minutes were in Council's packet for review. He also updated Council regarding various projects:

- The West Reading Community Revitalization Foundation, Elm Street program and the Wyomissing High School public art project are working on mosaics for the concrete wall at the parking lot at Chestnut and Obold Streets. Mr. Miller (the art teacher) has been working with his students and members of the public (who have attended his mosaic workshops) to create the mosaic panels for the wall. He has also completed mosaics for a building at 6th and Franklin.
- Trick or Treat night was officially declared as October 31st from 6 to 9 p.m.
- The first P.A.R.R. property has been purchased on S. 7th Avenue, and cleaned out of items that had been left behind. A total rehab of the entire property is scheduled to begin soon, and once completed will be a single family dwelling.
- A request has been received for the 2013 Armed Forces Day Parade to be held in the Borough on May 18th. The Parade organizers have stated that if the Borough requires any assistance for the event, they will need to know by the end of January. **Moved** by Ms. Good and seconded by Mrs. Kulesa to support having the Armed Forces Day Parade in West Reading on May 18th, 2013. **Motion carried.**

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

8. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Tracey Levering referred to her written report, and added that she had handed out the notices for the Zoning Hearing Board on Thursday, October 25th for the Reading Hospital Surgical Tower project.

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

- b. Police Department – Mayor Keller said that there was no report, however he will ask the Sergeants to prepare a three month update for the next Council meeting.
- c. Public Works – Dean Murray noted that with his written report is a request to purchase truck 20's replacement which was budgeted for this year. Mr. Sichler noted that the money will come from the water, sewer and refuse funds. Mr. Murray said that truck 20 is in very bad condition and is critical for keeping the roads open during snow and ice storms. It was noted that the bids have come in under budget and Mr. Murray said he would like to accept the second lowest bid (\$200 more) in order to purchase the truck locally. **Moved** by Ms. Good and seconded by Mrs. Kulesa to purchase the replacement for Truck #20 using the chassis from Manderbach Ford for \$32,543.00 and the dump body, salt spreader unit and the plow set-up from E. M. Kutz for \$32,650.00 for a total cost of \$65,201.00 from line items 06-400-336, 08-400-336, 09-400-336. **Motion carried.**

Mr. Conrad thanked Mr. Murray and the Borough Crew for doing such a great job setting up the park to allow the Wyomissing Area Youth Football Association to play their home games in the Borough when the Wyomissing field was unusable. He said that the work was done on very short notice, and everyone was extremely happy with the outcome. The West Reading children were particularly pleased to be able to play on their own turf for the two days.

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

- d.. Fire Department – Chief Burkholder reported that the open house went well and that many

people attended.

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

- e. Elm Street – Mr. Rohrbach was unable to attend, therefore no report was given.

9. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Kulesa said that there was nothing pressing in her report, but noted that the Haunted Hayride would be held on October 19th and 20th with a possible rain date for the following weekend.

Mrs. Heckler thanked Mrs. Kulesa (on behalf of Council) for all the hard work she has been doing to keep the recreation programs going.

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

- b. Planning Commission – There were no questions concerning the minutes of the October 3rd meeting.

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

- c. Safety Committee – There were no questions regarding the September 26, 2013 minutes.

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

10. **TREASURER'S REPORT:**

- a. **Moved** by Mr. Wert and seconded by Ms. Good to approve the Revenues with Comparison to Budget Report for the 9 months ending 09/30/2012. **Motion carried.**
- b. **Moved** by Mrs. Kulesa and seconded by Mr. Wert to approve Payment Approval Report for 09/17/2012 to 10/12/2012 and 10/13/2012 to 10/15/2012. **Motion carried.**

11. **PUBLIC COMMENT:**

Dennis Wayne spoke about several items:

- He is pleased to see police officers on foot patrol on Penn Avenue.
- His curb was damaged by a contractor's snow removal equipment several years ago and asked who was responsible to repair it. Mr. Conrad said that in the past it has been the homeowner's responsibility.
- He asked about regulations concerning daycare facilities, particularly one located near his home. Mr. Becker said that it would have to be determined if it is a home occupation or a business, and if it were in existence before the current zoning was in place, it may be considered a non conforming use. Also, it would have to comply with state regulations. He recommended that Mr. Wayne speak to Mrs. Levering about it.
- He stated that the two trees in front of his home and his neighbor's home are diseased and he is concerned. Mr. Sichler said he would put them on his list of trees to watch, which he discusses with the Shade Tree Commission on a monthly basis.
- He said he would like to hear something positive from Mayor Keller concerning the situation with the Police Department and Mayor Keller said that our officers are on the streets, on patrol, and they will continue to do so.

- He asked if it is true that the Borough is over budget with regard to legal fees and Mr. Conrad said that it is impossible to predict what is going to happen in any given year, and Mr. Sichler further stated that they are watching what is being spent and that there have been savings within the police department that offset the legal expenditures.

Tina Shenk complimented the Mayor regarding the Farmers' Market, and thanked Council for approving her parking lot. She then spoke about the tree at the front of her property at 400 Penn Avenue that is lifting the sidewalk and causing a tripping hazard. She said she has been complaining about the tree for two years and asked if anything can be done about it, because she won't repair the sidewalk until something is done with the tree. Mr. Sichler said that a forester from DCED was brought in to look at the trees and he said that the Norwegian maples on Penn Avenue are not appropriate for that location. The Shade Tree Commission will have to decide what is to be done and come up with a plan of action.

James Rogers asked how much was budgeted for legal fees this year and how much expense has been incurred. Mr. Sichler reviewed the budget and gathered some approximate numbers. Mr. Conrad stated that the legal fees include fees from various legal firms, for various topics, including Zoning Hearing Board, special investigators, etc. For 2012 \$73,000 was budgeted, \$108,000 has been spent, however the \$35,400 that is over budget will be covered within the entire budget.

Oswald Herbert asked what the crew will be using for radios when the switchover is made and Chief Burkholder said that the Fire Department will give them their radios. Mr. Herbert said that the Borough has been misled by the County because all that needs to be done to comply is to adjust the existing radios to a narrow band however they have decided to go to a different frequency band at a huge expense.

Amber Rambo asked why there was no Environmental Advisory Council report, and Mr. Wert replied that they had not met. She also commented that her son totally enjoyed the playground program this summer and on behalf of all the parents, thanked Mrs. Kulesa and everyone else involved for such a well run program.

Tina Shenk asked about the gas meters being installed at the front of properties and Mr. Becker responded that there is a federal law that requires pressure regulators to be placed outside for safety reasons however due to the complaints that UGI has been receiving regarding the unsightliness, they are looking at making changes to make them less obtrusive.

James Rogers asked about the possibility of UGI placing a meter at the front of the house purchased through the P.A.R.R. program and Mr. Conrad suggested that they contact UGI in advance to see what their plans are for the property.

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:58 p.m. to discuss potential litigation. When the meeting reconvened at 9:43 p.m., it was **moved** by Mrs. Kulesa and seconded by Ms. Good to authorize the Solicitor to file a claim against the Maintenance Bond for the pool contractor. **Motion carried.**

13. **ADJOURNMENT:**

Moved by Ms. Good and seconded by Mrs. Heckler to adjourn the meeting at 9:46 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant

Borough of West Reading Council

October 16, 2012

Page 7