

BOROUGH OF WEST READING – BOROUGH COUNCIL

August 16, 2011 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, August 16, 2011 with the following persons present: Council President Kevin Conrad; Vice President Philip Wert; Council Members Elizabeth Heckler, Nathalie Kulesa, Deborah Hutcheson, James Gallen, Amy Good-Ashman; Mayor Shane Keller; Borough Manager Richard Sichler; Police Chief Edward Fabriziani; Fire Chief Mark Burkholder; Dan Becker, Kozloff Stoudt; Chief Code Enforcement Officer Tracey Levering; Public Works Director Dean Murray; Elm Street Manager Dean Rohrbach; Administrative Assistant Cathy Hoffman; Terry Naugle, Great Valley Consultants. Recreation Coordinator Daphne Klahr was unable to attend.

<u>VISITORS:</u>	Ruth Cardell	Temple
	Audrey Schaeffer	Resident
	Oswald Herbert	Resident
	James T. Rogers	Resident
	Christian Doyle	Resident
	Troy Wetzel	Resident
	Hilary Wetzel	Resident

Council President Kevin Conrad called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.

PUBLIC COMMENT:

Resident James Rogers asked Council several questions concerning the availability of Council minutes prior to being approved, the requirements for propane tank placement in the borough, and the suspension of police personnel.

Resident Oswald Herbert spoke about the county's requirement for the replacement of radio equipment for all emergency personnel by 2013. Mr. Herbert and Chief Fabriziani debated the use of narrow band frequencies and the possibility of establishing a joint communication center. Mr. Herbert suggested that Council along with other municipalities issue a formal letter of protest because of the exorbitant cost associated with this system upgrade. It was noted that Mr. Sichler would be meeting with other borough managers and would solicit their views. It was also noted that the county has agreed to fund 20% of the cost of the radios, the entire cost of the tower sites, and would provide funding at 0% over 7 years.

Resident Christian Doyle asked if the Reading Hospital has been approached for funding of the new fire truck, or co-signing of a loan. Chief Burkholder and Mr. Sichler have both requested funding assistance but have not received any favorable word as yet.

APPROVAL OF COUNCIL MINUTES:

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to approve the minutes of July 19th, 2011.
Motion carried.

Mrs. Kulesa asked about Mr. Miller's situation which had been presented at the last Council meeting concerning the property at 115 S. 2nd Avenue. In order to ensure that Mr. Miller does not rent the property in question, it was suggested that a signed affidavit might be acceptable, however after further discussion it was decided that Mr. Miller will have to pay the \$75.00 rental fee.

Moved by Mr. Gallen and seconded by Mrs. Kulesa to approve the special Council meeting minutes of August 11th, 2011. **Motion carried.**

UNFINISHED BUSINESS:

Mr. Gallen stated he had spoken to Ed and Lynda Kuhn regarding the naming of the basketball courts in their honor but noted that it is too late to have it completed before the end of basketball season. It was suggested that the presentation could be made at the opening ceremony in 2012. Council decided that Ms. Klahr will be asked to organize the event.

Mr. Wert asked if there was any new information available pertaining to the Belovich townhouses and Mr. Becker stated that he, along with Mr. Sichler, Mr. Wert and a bank representative and their attorney recently walked through the property to identify the issues. Mr. Becker noted that the roads are unpaved, and traffic/street signs are missing. As well, there are foundations that have some fencing around them, however it is not sufficient to stop kids from getting inside the foundation. Mr. Becker stated that the Borough has a letter of credit in the approximate amount of \$250,000 which could be used to finish the work for the public areas only, not the foundations. The proposed work would cost approximately \$225,000. Mr. Becker said that Council would have to decide if the letter of credit should be pulled to complete the work.

Mr. Becker also noted that there is interest in developing the remaining lots, however the property is in the process of foreclosure which make take years to complete. Much discussion ensued regarding the various scenarios pertaining to the property and Mr. Becker stated that the funds in the letter of credit is more than enough to complete the work, however as time goes on and costs increase there may not be sufficient funds to do the work. The current state of the property was discussed at length concerning water and sewer, the condition of the streets, etc. Two residents from the Belovich development were in attendance and stated that when they purchased the property they had no idea that there were issues with the developer. They also commented that living there without the services being in place is difficult, and noted that during the winter storms last year the streets weren't plowed until mid-afternoon.

Mr. Becker told Council that part of the problem with the foreclosure, according to the Bank, is that there are title issues with the properties and that they are trying to proceed with the foreclosure. They have also alluded to the possibility that some lots may be going to sheriff's sale in November. After some discussion it was suggested that the Borough wait until November to see what happens, with the intent that some action will be taken in the spring. Council asked that Mr. Naugle, Mr. Sichler and Mr. Murray do a walk-through of the property and prepare a punch list. This item will remain on Council's agenda until some action is taken in the spring.

ORDINANCES / RESOLUTIONS:

Mr. Becker stated that the Council packets contained a proposed ordinance which deals with changes to the "Garbage, Refuse and Recycling" ordinance. He reviewed the changes, as distributed, which dealt with some wording changes and the mandatory use of covered containers for trash. It was noted that the recycling containers currently distributed by the Borough for use by residents do not have lids.

Discussion ensued regarding uncovered recycling containers and whether they would contain enough food waste to entice skunks. It was noted that the Borough's current contract doesn't allow more than 5% food waste in the containers to be recycled, however rinsing containers is not required.

After further discussion it was determined that section 3(w) of the proposed ordinance amendment would need to be changed to remove wording that pertains to recyclable materials that are not considered to be "rubbish". The revised ordinance will be reviewed again at the next Council meeting.

CONSULTANTS' REPORTS:

Solicitor's Report – Mr. Becker stated that the only remaining issue for his report is the fire truck purchase. At the last meeting the representatives from Crimson were asked to amend the contract to state that it was contingent upon the Borough obtaining satisfactory financing. It was also noted that Mr. Becker had found some discrepancies with regard to warranties, therefore an up-to-date version of the contract will be sent to the Borough for approval.

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

Engineer's Report – Mr. Naugle presented two items for approval; bids have been received for the Sidewalk Project "A" on S. 3rd Avenue between Chestnut and Kline Streets and the south east corner of 4th Avenue and Franklin Street. The low bidder was Heim Construction from Pottsville. It was noted that it came in at \$75,000 under budget. **Moved** by Mr. Gallen and seconded by Mrs. Heckler to award the contract to Heim Construction in the amount of \$116,417.50 for Sidewalk Project "A". **Motion carried.**

Mr. Naugle also reported that he, along with Mr. Sichler and Mrs. Levering, had walked along Wayne Avenue looking at curb ramps and noted that there are 14 locations on Wayne Avenue that have been identified for this round of ADA curb ramp installations. Mr. Conrad noted that the Borough has received a \$50,000 grant for this work through Community Development Block Grant however the engineering for the project will be the responsibility of the Borough. **Moved** by Mr. Gallen and seconded by Mrs. Heckler to authorize the engineer to put the ADA curb ramp project out for bid. **Motion carried.**

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

BOROUGH MANAGER'S REPORT:

Mr. Sichler reported the following:

- The first meeting for the cable contract negotiation will be held at the end of August.

- After completing preliminary information requests, RFPs were sent to 4 banks requesting written proposals for the bank account transfer. This information will be shared with the Finance Committee.
- The school renovation is substantially complete. An awning and sign are the only remaining items.
- Approval to enter into an agreement is required to utilize the Federal Surplus Property Program. The Program, which the Borough has been involved in before, allows the purchase of surplus equipment. It costs nothing to join therefore it was **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve the agreement with the Department of General Services. **Motion carried.**
- The vehicle approved for purchase for the road crew at the last Council meeting was actually intended to be leased for 3 years, at which time the truck will belong to the Borough. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to amend the motion made last month to purchase the truck, to now state that the truck will be leased instead. **Motion carried.**

Moved by Ms. Hutcheson and seconded by Mr. Wert to accept the Borough Manager's report. **Motion carried.**

MAYOR'S REPORT & MAIN STREET REPORT:

Mayor Keller reported that National Night Out had been a huge success and noted that Officer Karie Good had done an exemplary job. He also spoke about an incident on Chestnut Street where shots had been fired, and thanks to West Reading officers, along with the DA's office, the forensic unit and the Berks County Swat Team, an arrest was made the same night.

Mayor Keller also spoke about the Mayor's Advisory Committee meeting which had been held just prior to the Council meeting. At that meeting they had discussed the condition of curbs and sidewalks in the Borough, and reviewed the moratorium that was put in place in 2004. After discussing the situation and reviewing the dozens of photographs provided by Mrs. Levering, the Mayor's Advisory Committee recommended that the moratorium be lifted. It was also their suggestion that residents be given two years to complete the work. Council discussed this at length regarding if and how it should be implemented, and the possibility of obtaining better pricing by approaching contractors for group pricing. **Moved** by Mrs. Kulesa and seconded by Ms. Good-Ashman to authorize Mr. Sichler to work with the Code Enforcement office as well as the Mayor to draft a letter to the residents informing them of the upcoming lifting of the mandate to repair curbs and sidewalks. **Motion carried.** It was also suggested that information be placed in the newsletter.

Moved by Ms. Good-Ashman and seconded by Mrs. Heckler to accept the Mayor's report. **Motion carried.**

DEPARTMENT REPORTS:

Code Enforcement – Chief Code Enforcement Officer Tracey Levering presented her written report for consideration. Mrs. Levering was congratulated for passing the testing required for the Chief Code Enforcement Officer certifications. **Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to accept the Chief Code Enforcement Officer's report. **Motion carried.**

Police Department – Chief Fabriziani provided some follow-up information concerning the handicapped parking space on Penn Avenue. He noted that he, along with Ms. Shenk, Mr. Sichler, the business owner and the requester of the space will meet in the coming week to discuss options for a possible solution.

- The two new vehicles are now in service, the two older vehicles that were replaced are scheduled for de-stripping and are currently being stored at the fire company parking lot. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to authorize Mr. Sichler to sell the 2006 Impala SS. **Motion carried.**
- National Night Out came in under budget thanks to the donations that Officer Good was able to obtain.
- The Wyomissing Area School District has requested a memo of understanding between the school district and both West Reading's and Wyomissing's police departments concerning how incidents will be dealt with if situations arise. Chief Fabriziani noted that Mr. Becker has reviewed the document and recommended some changes which the school district has agreed to change. Mr. Becker also noted that this is legislated by the State. **Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to authorize Chief Fabriziani to sign the memo of understanding. **Motion carried.**
- Chief Fabriziani elaborated on the drive-by shooting that was mentioned earlier and provided information concerning the arrest of the shooter. Chief Fabriziani noted that Officer Good was the lead investigator who along with Wyomissing detectives, have determined that the shooting was domestic in nature, not drug related nor a random shooting.

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

Public Works – Public Works Director Dean Murray presented his written report. Mrs. Heckler asked when the handicapped parking space signs would be removed and it was noted that it could not be completed until the ordinance is advertised and approved by Council. The signs in question are for handicapped parking spaces that are no longer needed. **Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to advertise the ordinance for the removal of certain handicapped parking space signs. **Motion carried.**

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

Fire Department – Chief Burkholder presented his written report and thanked Mr. Sichler and Mr. Becker for their assistance with the fire truck project.

Moved by Ms. Good-Ashman and seconded by Mr. Wert to accept the Fire Chief's report. **Motion carried.**

Elm Street – Mr. Rohrbach presented a brief overview of his written report and highlighted the "Let's Paint the Town" project which has achieved 100% participation and is receiving a lot of good press.

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

COMMITTEE/COMMISSION REPORTS:

Environmental Advisory Council – There were no questions for the Environmental Advisory Council, however Mr. Conrad stated that a member of the EAC has missed three consecutive meetings which contravenes the regulations. **Moved** by Mr. Gallen and seconded by Mrs. Kulesa to remove Michael Morrill from the Environmental Advisory Council. **Motion carried.**

Moved by Ms. Kulesa and seconded by Mr. Wert to accept the Environmental Advisory Council report. **Motion carried.**

Recreation Commission – Mrs. Kulesa presented the Recreation report and noted that the playground program had been very successful due largely to the great staff members. She added that the pool is doing well and that Tons of Trucks is coming up in September.

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to approve the Recreation Commission report. **Motion carried.**

Planning Commission – Mr. Wert reported that conditional final approval has been given to Kuhn Funeral Home for their expansion project, contingent on some minor housekeeping items. Mr. Naugle said he would review the information to determine if an escrow amount would need to be obtained for the public areas that are going to be affected such as the sidewalk, curb, and a parking space.

Moved by Ms. Good-Ashman and seconded by Mrs. Kulesa to conditionally approve the final plan for the expansion of Kuhn Funeral Home contingent upon:

1. receipt of a letter from the Berks County Conservation District approving the Erosion and Sediment Control Plan;
2. receipt of an acceptable Temporary Construction Easement from the adjoining property owner; and
3. Mr. Naugle verifying the escrow requirements.

Motion carried.

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

TREASURER'S REPORT:

Moved by Mr. Gallen and seconded by Ms. Hutcheson to approve the revenue report for the seven months ending July 31, 2011. **Motion carried.**

Moved by Mr. Gallen and seconded by Ms. Good-Ashman to approve the Payment Approval Report for 7/16/11 to 8/12/11 and 8/13/11 to 8/15/11. **Motion carried.**

NEW BUSINESS: none

EXECUTIVE SESSION:

Council recessed to Executive Session at 8:49 p.m. to discuss personnel issues. When the meeting reconvened at 9:08 p.m., it was **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to authorize an independent medical evaluation for the police officer who applied for heart and lung benefits.

ADJOURNMENT:

Moved by Ms. Good-Ashman and seconded by Mr. Wert to adjourn the meeting at 9:10 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant