

**BOROUGH OF WEST READING – BOROUGH COUNCIL**

**October 18, 2011 – 7:00 p.m.**

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, October 18, 2011 with the following persons present: Council President Kevin M. Conrad; Vice President Philip C. Wert; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, James J. Gallen Jr., Amy B. Good-Ashman; 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; Recreation Coordinator Daphne E. Klahr; Elm Street Manager Dean L. Rohrbach; Administrative Assistant Cathy L. Hoffman; Borough Engineer Terry Naugle. Deborah L. Hutcheson and Public Works Director Dean E. Murray were unable to attend.

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|-------------------------|-----------------|---------------|
| <b><u>VISITORS:</u></b> | Ruth Cardell    | Temple        |
|                         | Oswald Herbert  | Resident      |
|                         | Roy Schweitzer  | Resident      |
|                         | Tina Shenk      | Resident      |
|                         | Carl Garman     | Resident      |
|                         | Ashley Gold     | Reading Eagle |
|                         | Doug Geiger     | Resident      |
|                         | Amber Rambo     | Resident      |
|                         | Robert Kearney  | Resident      |
|                         | Christian Doyle | Resident      |
|                         | Judy Yeakley    | Resident      |

1. **CALL TO ORDER:**

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

2. **PUBLIC COMMENT:**

Resident Doug Geiger said he intended to apologize for his behavior at the last Council meeting, (in response to the warning issued by the Borough Solicitor that he would be removed from the meeting if he used inappropriate language again) and that he attended the meeting to speak about the Codes department seemingly singling out his property for a variety of infractions. He added that as he walked around the borough he saw many buildings without rear property numbers, buildings that need to be painted, including Borough Hall, etc. He said that he simply wants a level playing field – that every property should be treated the same, and that new business owners be given encouragement and assistance to get through the application process instead of an attitude that could drive them away.

Resident Rob Kearney said that he enjoys living in the borough but that Mr. Geiger’s comments perfectly stated his own concerns. He said that as a commercial property realtor he has heard from clients that they have become discouraged from opening businesses in the borough because of the attitude and mountain of paperwork given by the Codes department. Mr. Kearney also complained about incorrect information in the Borough’s newsletter concerning the CO inspections and noted that when he contacted the Codes department he was told that the ordinance wasn’t in place.

Mr. Becker explained that the ordinance is in place, however Council put a hold on its enforcement

because a group of realtors had approached Council to complain about it and asked that it be reviewed. He added that Council then made some changes, and those amendments are on the agenda to be enacted at this meeting. Mr. Kearney said he also feels that inspections need to be done in a consistent, fair and equitable basis.

3. **APPROVAL OF COUNCIL MINUTES:**

**Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to approve the minutes of September 20<sup>th</sup>, 2011. **Motion carried.**

4. **UNFINISHED BUSINESS:**

Belovich Townhouse Development – There was nothing new to report.

Environmental Advisory Council Vacancy – The ordinance has been advertised and is ready for adoption. **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to approve Ordinance 1002. **Motion carried.** **Moved** by Mr. Wert and seconded by Mrs. Heckler to approve Resolution 2011-13 which appoints James Keller, Erica Lavdanski and Amber Rambo to the Environmental Advisory Council for the terms specified. **Motion carried.**

5. **ORDINANCES/RESOLUTIONS:**

- a. Ordinance No. 1000 – Mr. Becker stated that the ordinance has been prepared, properly advertised and is ready for enactment. **Moved** by Ms. Good-Ashman and seconded by Mr. Wert to approve Ordinance 1000, the Garbage, Refuse and Recycling Ordinance. Voting no – Mrs. Kulesa; Voting yes – Mr. Gallen, Ms. Good-Ashman, Mrs. Heckler, Mr. Wert, Mr. Conrad. **Motion carried 5-1.** *(Mrs. Kulesa stated that her objection was based on some of the language used in the ordinance.)*
- b. Ordinance No. 1001 – Mr. Becker stated that the ordinance has been prepared, properly advertised and is ready for enactment. **Moved** by Ms. Good-Ashman and seconded by Mr. Wert to approve Ordinance 1001, an amendment to the “Buildings and Structures” ordinance. Voting no – Mrs. Kulesa and Mr. Gallen. Voting yes – Ms. Good-Ashman, Mrs. Heckler, Mr. Wert, Mr. Conrad. **Motion carried 4-2.**

6. **CONSULTANTS’ REPORTS:**

- a. Solicitor’s Report – Mr. Becker spoke about the following remaining items:
  - At the last Council meeting, changes to the “killed in service” benefits for police officers were discussed. This ordinance was prepared, advertised, and is now ready for enactment. **Moved** by Mr. Wert and seconded by Ms. Good-Ashman to approve Ordinance 1003. **Motion carried.**
  - Regarding the documents for the purchase of the fire department ladder truck, Mr. Becker reported that they have been sent to Crimson for execution and have been signed, but have not yet been returned.
  - A draft for the UCC ordinance was prepared and was authorized for advertisement, however it must be reviewed by L & I and once returned will be ready for a public hearing

which must be done before enactment.

- Mr. Becker was asked to prepare an ordinance that will require developers to pay for professional services fees when those services are required for their development. The draft has been prepared and Mr. Becker distributed the document to Council for their review.
- Legislation has been passed by the state that amends Act 32, an amendment that deals with how the taxes are being collected from the tax collector. The Borough will have to amend its ordinance to reflect these changes, which will come into effect in January 2012. **Moved** by Mr. Wert and seconded by Mr. Gallen to amend and advertise the ordinance to comply with Act 32. **Motion carried.**

**Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to approve the Solicitor's Report.

**Motion carried.**

b. Engineer's Report – Mr. Naugle reported the following:

- the Third Avenue sidewalk project will begin work later in the week; a construction meeting will be held on October 20<sup>th</sup> to discuss aspects of the project;
- the preconstruction meeting for the ADA curb ramp project for Wayne Avenue will be held on October 19<sup>th</sup>;
- Great Valley Consultants is recommending that the amount of \$62,792.38 be held as escrow for the Kuhn Funeral Home project . Mr. Naugle referred to a spread sheet created for the project that details construction observation and contingencies in the event that anything changes. It was also noted that the developer is in agreement with the escrow amount. **Moved** by Mrs. Kulesa and seconded as Ms. Good-Ashman to set the escrow amount for \$62,792.38 for the Kuhn Funeral Home project. **Motion carried.**
- Mrs. Kulesa asked about the ponding that exists on certain areas of Sunset Road where the construction was completed last year. Mr. Sichler noted that there a few areas that can not be resolved without storm sewers so Mrs. Kulesa asked if the borough could be more vigilant in removing leaves from those areas to reduce the amount of odor and moisture.

**Moved** by Ms. Good-Ashman and seconded by Mr. Wert to approve the Engineer's Report.

**Motion carried.**

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

- a. The Disciplinary Guidelines Policy was distributed at the last Council meeting and Mr. Sichler said that the plan is to develop a more complete policy manual that is separate from the employee manual and will detail how discipline will be handled for non uniform employees. He said he would be meeting with the Teamsters representative to discuss the policy as a first step. It was also noted that the Personnel Committee reviewed the policy about 10 months ago and it is their recommendation that the policy be adopted. Council was asked to review the information with the intention to take action at the November meeting.
- b. Police Pension resolutions are necessary as part of the audit process when less than 5% is being withheld from police officers' salary as a pension contribution. The 2011 contract stipulates that less than 5% is being withheld, therefore Council must approve the resolution. **Moved** by Mr. Wert and seconded by Ms. Good-Ashman to pass Resolution 2011-11. **Motion carried.**

Mr. Gallen felt that it would be inappropriate to approve the resolution for 2012 because a new Council will be sitting at that time. Mr. Becker noted that the Borough is probably contractually obligated to pass the resolution, however it could be delayed until January.

Mr. Sichler brought forward another issue concerning the pension process and said that he would like to bid-out for the management of the Borough's pension funds. He noted that there are strict regulations concerning the process and that resolutions will have to be passed. He added that he will pull the information together for the November Council meeting. It was also noted that the Pension Committee will have to review the information as well.

- c. The Borough has two vehicles to sell and Mr. Sichler said he would like to use the same online auction site that he used last time. He requested approval for two resolutions to approve the sale of a 2001 Impala and a 1998 GMC truck. **Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to approve Resolution 2011-12 for the sale of a 2001 Chevrolet Impala for \$3400 to John Riordan. **Motion carried.** **Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to approve Resolution 2011-14 for the sale of a 1998 GMC truck in the amount of \$8900 to Dale Walker. **Motion carried.**

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

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

Mayor Keller reported that he had received a request from Diane Price to hold the 2012 Armed Forces Day Parade in West Reading, on Saturday, May 19<sup>th</sup>. It was noted that there have been no issues in the past but a resolution is necessary for PennDOT to approve the closure of Penn Avenue. **Moved** by Mr. Wert and seconded by Ms. Good-Ashman to approve the Armed Forces Day Parade for May 19<sup>th</sup> 2012 through the Borough of West Reading. **Motion carried.**

**Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to approve the Mayor's Report. **Motion carried.**

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering presented her written report. There were no questions, but she added that she required Council's signatures on the Kuhn Funeral Home Final Plan. **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to approve the Chief Code Enforcement Officer's Report. **Motion carried.**
- b. Police Department – Chief Fabriziani referred to his written report. He also noted that a grant had been received from the Department of Justice that will cover up to 50% of the cost for the purchase of vests. Chief Fabriziani also spoke about the 'Santa Clause 5k Run' and said he met with the organizers to review the route for the run. **Moved** by Mr. Gallen and seconded by Mr. Wert to approve the Police Chief's Report. **Motion carried.**
- c. Public Works – There were no questions for Mr. Sichler regarding the Public Works Report. **Moved** by Ms. Good-Ashman and seconded by Mrs. Heckler to approve the Public Works Director's Report. **Motion carried.**

- d.. Fire Department – Chief Burkholder distributed his written report and noted that he has received the grant for the thermal imaging camera for the new truck. He also requested approval to purchase the 1997 GMC (formerly SWAT) cargo van to carry extra gear. It was scheduled to be sold to another agency for \$500, however the Fire Department will only need it until the new truck arrives. At that time it can be sold to that agency for \$500. He noted that there are funds remaining in ‘vehicle maintenance’, and that the van is in good shape and should not need any repairs. **Moved** by Ms. Good-Ashman and seconded by Mr. Wert to approve the purchase of the 1997 GMC cargo van for the Fire Department, for \$500. **Motion carried.**

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

- e. Elm Street – Mr. Rohrbach said he would like to apply for a \$550,000 grant from the state that would require the Borough to commit to paying the salary for a full time Elm Street Manager for 5 years at the current rate of \$35,000 per year. He stated that the matching funds for the grant will come from the PARR program, the Reading Hospital new home ownership program, the County’s new home repair grant and loan program, and a \$50,000 match from the Borough. As part of this, a resolution will have to be passed between the Borough and DCED to spend funds as well as a cooperation agreement between the Borough and the West Reading Main Street Authority. A public meeting will also be required so interested parties will have an opportunity to review and comment. Mr. Rohrbach asked that the public meeting be held before the next Council meeting in order to meet the requirements and have the grant application ready for the first of December. Mr. Becker said that he would have to review all of the information, including the statute, to answer all of the questions and determine what needs to be done. Mr. Gallen noted that the \$50,000 match would come from the general fund which is funded by residents’ taxes. Mr. Rohrbach noted that this information is in draft form but he will have better numbers ready for the budget meeting. It was decided that no action be taken at this meeting and that Mr. Rohrbach and Mr. Conrad discuss how best to proceed.

Mr. Rohrbach also reported that Vist Bank has approved a line of credit for \$250,000 which can only be used for the PARR program to rehabilitate properties.

**Moved** by Ms. Good-Ashman and seconded by Mr. Wert to approve the Elm Street Manager’s Report. **Motion carried.**

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Ms. Klahr referred to the minutes which detailed the proposed rates for the 2012 budget. She also thanked the fire department, police department and the borough crew for their assistance with the Tons of Trucks event. **Moved** by Mr. Gallen and seconded by Mrs. Kulesa to approve the Recreation Commission Report. **Motion carried.**
- b. Planning Commission – Mr. Wert reported that at the last meeting, there was no quorum but those in attendance discussed zoning issues.

- e. Environmental Advisory Council – There were no action items.

**Moved** by Mr. Wert and seconded by Mrs. Kulesa to approve the Environmental Advisory Council minutes of August 22<sup>nd</sup> and September 26<sup>th</sup>. **Motion carried.**

11. **TREASURER'S REPORT:**

- a. **Moved** by Mr. Wert and seconded by Ms. Good-Ashman to approve the Revenue Report for the 9 months ending 9/30/2011. **Motion carried.**
- b. **Moved** by Mr. Gallen and seconded by Ms. Good-Ashman to approve the Payment Approval Report for 9/19/2011 - 10/13/2011. **Motion carried.**

12. **NEW BUSINESS:**

Mr. Conrad said that after some discussion, it has been suggested to hold a budget meeting on November 12<sup>th</sup> from 9:00 a.m. to 2:00 p.m. to complete the budget in one sitting rather than over several evening meetings. Mrs. Kulesa said that she would be out of town that weekend and unable to attend. Mr. Conrad said that the meeting will need to be advertised for the 12<sup>th</sup> between 9:00 a.m. and 2:00 p.m., at Borough Hall.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:19 p.m. to discuss personnel. When the meeting reconvened at 9:23 p.m., no action was taken.

14. **ADJOURNMENT:**

**Moved** by Ms. Good-Ashman and seconded by Mr. Gallen to adjourn the meeting at 9:24 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman  
Administrative Assistant