

BOROUGH OF WEST READING – BOROUGH COUNCIL

January 20, 2015 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, January 20, 2015 with the following persons present: Vice President Philip C. Wert; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, Grace M. Craze, Carl G. Garman, Christopher C. Lincoln; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Recreation Coordinator Helen Moyer; Public Works Director Dean E. Murray; Borough Engineer Tom Unger; Administrative Assistant Cathy L. Hoffman. Council President James J. Gallen, Jr. and Elm Street Manager Dean L. Rohrbach were unable to attend.

VISITORS:	Ruth Cardell	Temple
	James T. Rogers	Resident
	Amber Rambo	Resident
	Terry Siggins	Resident
	Christian Doyle	Resident
	Keith Fox	Residents
	Bryce Matthews	Resident
	Suzanne Thompson	Resident
	Oswald Herbert	Resident
	Tina Shenk	Property Owner
	Becca Gregg	Reading Eagle

1. **CALL TO ORDER:** Council Vice President Philip Wert called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.
2. **PUBLIC COMMENT:**
Keith Fox, read a prepared statement (which was entered into the official record), expressing his concern about the West Reading Community Revitalization Foundation. It was noted that a committee was formed to work on issues with the West Reading Community Revitalization Foundation and to also prepare a cooperation agreement. Mayor Rodriguez noted that a draft of a cooperation agreement between Council and the CRF has been prepared and discussed at several meetings. It was also noted that the CRF has not yet had the opportunity to review the draft.

Tina Shenk, commented that she would like to see the CRF grow stronger and become more organized.
3. **APPROVAL OF COUNCIL MINUTES:**
Moved by Mrs. Kulesa and seconded by Mr. Garman to approve the minutes of the December 16th regular Council meeting and the December 29th special Council meeting. **Motion carried.**
4. **ORDINANCES / RESOLUTIONS TO BE ADOPTED:**
Resolution 2015-1 Red Light Grant – This grant funding will be used to improve crosswalks on Penn Avenue at 4th, 5th and 6th Avenues. **Moved** by Ms. Craze and seconded by Mrs. Heckler to approve Resolution 2015-1. **Motion carried.**

Resolution 2015-2 Fee Schedule – This resolution will set the fees for 2015 and it was noted that the majority of the changes pertain to Recreation fees. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve Resolution 2015-2. **Motion carried.**

Ordinance 1036 Planting Strip Ordinance – There was some discussion concerning issues that had been raised and Mr. Sichler noted that everything previously discussed has been covered in the ordinance. **Moved** by Ms. Craze and seconded by Mr. Lincoln to approve Ordinance 1036. **Motion carried.**

Ordinance 1039 Water Rates Amendment – Mr. Sichler noted that the rates have been increased as discussed during the Budget preparation; that residential rates are simply a pass-through from the Western Berks Water Authority increase however the commercial rates are somewhat higher. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve Ordinance 1039. **Motion carried.**

Ordinance 1040 Sewer Rates Amendment – Mr. Sichler noted that the sewer rates have also been increased as discussed during the Budget preparation and reflect the increases from the Joint Municipal Authority of Wyomissing Valley along with a small addition increase for commercial customers. **Moved** by Ms. Craze and seconded by Mr. Lincoln to approve Ordinance 1040 as amended. (Dashes in front of the amounts are removed.) **Motion carried.**

5. **UNFINISHED BUSINESS:**

a. **Belovich Development** – Mr. Becker explained that in order for the streets to be dedicated, there are documents that must be finalized. Mr. Unger has been working with those documents and has found a notation that the developer must pay the Borough \$15,000 in addition to the dedication of the open space. This information has been passed to the Bank's solicitor Maria Elliott. Mr. Becker also noted that some of the items on the punch list have already been completed by the Bank, and he reviewed a list of items, several of which cannot be completed at this point in time. He asked Council for direction and noted that there are escrow funds available if necessary, to complete any outstanding items. Much discussion ensued about how to proceed. Council was given a copy of the punch list and the items were discussed with regard to their urgency in being completed and those that are dependent on good weather. It was decided not to take dedication until the punch list is complete (with the exception of the items that can't be done until better weather). It was also suggested that the residents of that development should be notified in some way as to the progress being made.

b. **417 Franklin Street** – Mr. Becker stated that contact has been made with the bank that owns the property however they have not been particularly cooperative and have said that the Borough should go ahead with whatever they feel is necessary including filing liens on the property. Once that is done the Borough can proceed with action to force the sale of the property which could take from six to twelve months.

c. **425 Chestnut Street** – The owners had indicated they would take steps to remediate the property, however nothing has been done. Once the paperwork has been completed, a lien will be filed and further action can begin.

6. **CONSULTANTS' REPORTS:**

a. **Solicitor's Report** – Mr. Becker had nothing further to report other than to request an Executive Session to discuss a personnel matter.

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

b. **Engineer/Code Enforcement Report** – Mr. Unger reported the following:

- Bids for the retaining wall project were received on January 16th with ten bids being received; low bidder was Miller Brothers at \$139,639.00 for replacement of the entire wall. Phase 1 detailed the replacement of both end sections of the wall and Phase 2, the middle section. Mr. Unger recommended replacing the whole wall at one time for aesthetic reasons and cost savings. Mr. Sichler noted that \$80,000 had been set aside in 2014 for this work which will cover Phase 1 however the DEP permit for the creek work will expire in two years and will be difficult and costly to obtain again if the work isn't completed. \$60,000 in additional funds is required to complete the whole project and Mr. Sichler said that the Recreation Capital Reserve fund has a balance of \$137,614. which could be used for this project.
Moved by Mrs. Kulesa and seconded by Ms. Craze to accept the bids for the Stream Bank Retaining Wall Project. **Motion carried.**
Moved by Mrs. Heckler and seconded by Mr. Garman to award the project to Miller Brothers for the replacement of the entire wall in the amount of \$139,639. **Motion carried.**
- Only three bids were received for the Olive Street Pumping Station project, with the lowest being submitted by Advance Rehabilitation in the amount of \$71,000 which is slightly higher than the engineering estimate but less than the \$100,000 budgeted amount. Mr. Unger noted that the quality of their work is good. **Moved** by Mrs. Heckler and seconded by Ms. Craze to accept the bids. **Motion carried.**
Moved by Mrs. Heckler and seconded by Ms. Craze to award the Olive Street Pump Station project to Advanced Rehabilitation Technology in an amount not to exceed \$71,000. **Motion carried.**
- Mr. Unger's written report included Code Enforcement matters and it was noted that a police report had been issued concerning the abandoned property on S. 2nd Avenue where it was reported that the roof is caving in. Discussion ensued about obtaining an administrative warrant which will allow the Borough to secure the residence. Mr. Becker was asked to take the necessary steps. **Moved** by Mrs. Kulesa and seconded by Mr. Garman to authorize Mr. Becker to contact the bank concerning the property at 135 S. 2nd Avenue and then obtain the administrative warrant if necessary to enter the property and take action to abate. **Motion carried.**
- Mr. Unger also reported that the Codes Department will be implementing a complaint form which will be available online as well as in the office which will be a good way to track complaints and protect the Borough. It was also noted that the information concerning the complainant doesn't have to be divulged as it is exempt from right-to-know regulations.

Moved by Ms. Craze and seconded by Mrs. Heckler to approve the Engineer's Report and Code Enforcement Report. **Motion carried.**

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

- a. **PA Municipal Retirement System Enrollment Contract and Ordinance** – Mr. Sichler said that as part of the contract with Teamsters, the Borough is transitioning from a defined benefit pension plan to a defined contribution benefit pension plan. The scope of the plan has been specified and detailed in the contract that has been provided, as well as the ordinance. The ordinance just needs to be advertised for adoption, and will be retroactive to January 1st. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to advertise the ordinance. **Motion carried.**
- b. **Committee/Commission Reappointments** – The list of reappointments was discussed and it was noted that there are two vacancies on the Economic Development Committee as well as one on the Planning Commission. Also, the Executive Director of Berks EIT is retiring, therefore it was decided that the interim Executive Director Kathy Foreman should be listed rather than "Berks EIT".

Ms. Craze asked to be included as part of the Economic Development Committee however Mr. Wert explained that they have been discussing reducing the number of members from nine to seven which will help with obtaining a quorum. They will be reorganizing soon and this will be addressed however they are waiting for Mr. Gallen's return before any action is taken.

Appointments to the West Reading Community Revitalization Foundation was also discussed and it was agreed that Mr. Wert's name should be added to the reappointment list as his term had expired on December 31st. No other Council member indicated a desire to serve on the Foundation.

Board/Committee/Commission vacancies were discussed in general and it was suggested that the information be included in the Newsletter, on the website and in the newspaper. Posting it at the hall was also requested. This spawned a discussion concerning the website and the possibility of a Facebook page. Mr. Sichler noted that the website will be moving to PSAB which should make its upkeep more user friendly.

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the reappointments as amended. **Motion carried.**

- c. **Employee Handbook** – The handbook has been revised to include a section on FMLA which is basically boiler plate in order to address Federal regulations. Mr. Sichler asked for authorization to distribute it to the union members with comments to come back to him. It will then be addressed at the next Council meeting.

Mrs. Heckler spoke about employee evaluations and recommended that they be done annually by all department heads. A uniform format was also discussed and it was suggested that the department head report to the Personnel Committee annually as well. It was also recommended that the evaluation be scheduled on the employee's anniversary date, however it was noted that a pay increase would not be included.

- d. **Insurance Renewal** – The Borough’s agent reviews all policies annually and looks at various carriers for best pricing. Mr. Sichler said that because of our claim history, two companies declined to quote. The pricing for 2015 will include a 10% increase, however this is still \$22,000 less than when Selective was the carrier. **Moved** by Ms. Craze and seconded by Mrs. Heckler to enter into a contract with Tompkins Insurance at the quoted rates. **Motion carried.**
 - e. **Uncollected Real Estate Taxes** – This certification, a listing of all those who have not paid their real estate taxes in 2014, is necessary for the Berks County Tax Claim Bureau. **Moved** by Ms. Craze and seconded by Mr. Lincoln to ratify the certification. **Motion carried.**
 - f. **DROP Program** – Mr. Sichler asked to discuss this during Executive Session.
 - g. **West Reading Community Revitalization Foundation Cooperation Agreement** – Mr. Sichler asked that this be discussed during Executive Session as well.
 - h. **Recycling Grant** – Mr. Sichler referred to the handout, which details the items that will be covered under the Recycling Grant, which has just recently been awarded to the Borough. The total amount is \$103,286.32, some of which is retroactive and will cover a portion of items recently purchased, such as 45% of the dump truck (\$25,516.45) and 45% of the pick-up lift gate (\$1200.60). Other items include event recycling containers, an enclosed trailer, a 6 yard container, curbside recycling containers and a loader/backhoe. In order to cover the Borough’s portion of the grant items, Mr. Sichler recommended selling the current backhoe, which has a trade-in value of \$30,000. The remaining amount to be funded would be just over \$7000.00. It has been projected that the recycling fund will be carrying over \$137,000 into 2016 therefore he suggested reducing that amount by \$7000 and move forward with the purchases. After some discussion it was decided that Mr. Sichler will prepare the proposed budget adjustments, obtain concrete numbers for the backhoe etc. and bring the information to the February Council Meeting.
Moved by Ms. Craze and seconded by Mrs. Heckler to approve the Borough Manager’s Report.
Motion carried.
8. **MAYOR’S REPORT & WEST READING COMMUNITY REVITALIZATION FOUNDATION:**
Mayor Rodriguez said that he had no written report but noted the following:
- Has been meeting with the Codes Department every Wednesday for a staff meeting during the transition phase. Services are now being contracted with System Design Engineering, Inc., and through discussions concerning some of the issues, a complaint form has been created.
 - Met with the Economic Development Committee on January 12th
 - Attended the Recreation Commission meeting on January 6th.
 - Met on January 7th and 14th concerning the Cooperation Agreement between the Borough and the West Reading Community Revitalization Foundation. The most recent draft has been distributed to Council for their review and comments. Mr. Garman then spoke about the discussions concerning the agreement. He noted that the structure of the Foundation as proposed would be Mayor, Borough Manager, one Council member, three business owners, and three residents. All vacancies would have to be held open for 30 days, and it would have to be published to allow ample opportunity for those interested to apply. There was some discussion about whether the positions would be elected by the

- Foundation or appointed by Council. It was also noted that a business owner that is also a resident would only be able to fill a business owner seat, and would only be able to fill a resident vacancy if they were no longer a business owner in the community. Much more discussion ensued concerning fiscal issues, Borough representation, reports to Council, sub Committees, etc. It was also noted that the agreement has to be reviewed and approved by the CRF before it can be enacted.

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

TAX RATE FOR 2015 – It was noted that the ordinance to fix the tax rates for 2015 has not been advertised therefore it was **Moved** by Ms. Craze and seconded by Mrs. Heckler to authorize the advertising of the tax rate for 2015 at 5.5 mils for General Purposes and 1.6 mils for Fire Protection Purposes. **Motion carried.**

9. **DEPARTMENT REPORTS:**

a. **Police Department** – Chief Powell spoke about the following:

- Donations have been received from Mr. Edward Kuhn of Kuhn Funeral Home (for the Police Pension Fund) and Mr. Kevin Kozo of Turnberry Custom Homes (for the K-9 program).
- Further information concerning funding for the camera project should be received from the Wyomissing Foundation soon, therefore Chief Powell requested permission to solicit bids. **Moved** by Mrs. Heckler and seconded by Mr. Garman to advertise for bids for the camera project. **Motion carried.**

Moved by Ms. Craze and seconded by Mrs. Heckler to approve the Police Department Report. **Motion carried.**

b. **Public Works** – Mr. Murray had nothing to add to his written report however there were questions concerning the three water main breaks – two on Penn Avenue and one on Playground Drive.

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

c.. **Fire Department** – Chief Burkholder referred to his written report and spoke about the ISO Survey. He noted that part of the survey includes up to date flow test results however he had nothing to provide as this has not been done since 1994. A computer model can provide this information rather than obtaining actual results. Mr. Sichler said that this could be done by SDE using a base model of the main trunks that was completed by SSM for Western Berks Water Authority. He noted that only the main trunks in the borough need to be used. Mr. Unger said that he could bring a proposal for the next Council meeting.

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

d. **Elm Street** – Mr. Rohrbach is still on leave therefore no report was presented.

10. **COMMITTEE/COMMISSION REPORTS:**

a. **Recreation Commission** – Helen Moyer referred to the minutes and noted the following:

- Resident Melissa Hassler (S. 5th Avenue) has submitted a letter of intent concerning her wish to serve on the Recreation Commission. **Moved** by Mrs. Heckler and seconded by Ms. Craze to appoint Melissa Hassler to the Recreation Commission. **Motion carried.** Mr. Wert asked that in future, Council be given a copy of the letter of interest in the Council packet.
- The Commission has recommended that the hours for the Playground change as follows:
 - Wednesdays – instead of dismissal at noon, the time be extended to 3:00 p.m. to allow for more field trip time.
 - Fridays – extend dismissal to 1:00 p.m. to allow the children more time in the pool. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve the change in playground hours. **Motion carried.** It was also noted that after reviewing playground staffing last year, it was determined that there should be a decrease in the number of staff on duty each day, therefore there will be a slight reduction in the total number of staff which will cover the extra 4 hours per week in staff wages.
- **Moved** by Mr. Garman and seconded by Mrs. Kulesa to approve the 5% discount for pool and playground. **Motion carried.** This discount is for those who sign up by May 15th for the pool and by June 7th for the playground.

Mrs. Heckler spoke about the poor state of the fields and said that everyone who uses the fields should be required to pay a fee. This would pertain to leagues and teams that have booked it for their purposes. Mrs. Moyer said that she has scheduled a meeting with all field users for February 19th to discuss field usage.

Mrs. Heckler also said she felt it was time to make the Recreation Coordinator position full time. She added that Recreation has had a few years without anyone permanent in the position and Mrs. Moyer has taken on the work and is doing a good job even though she is new to the recreation field. She noted that recreation is not able to fully fund itself, but that it is a gift to the residents of West Reading and needs to have someone in a permanent capacity to ensure continuity. **Moved** by Mrs. Heckler and seconded Mrs. Kulesa to make the Recreation Coordinator position full time with benefits to be determined by the Personnel Committee.

Voting yes – Ms. Craze, Mr. Garman, Mrs. Heckler, Mrs. Kulesa

Voting no – Mr. Wert, Mr. Lincoln

Motion carried.

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

b. **Planning Commission** – Mr. Wert spoke briefly about the ordinance review that the commission has undertaken.

Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Planning Commission report. **Motion carried.**

c. **Safety Committee** – **Moved** by Mr. Lincoln and seconded by Mrs. Kulesa to approve the Safety Committee's minutes. **Motion carried.**

- d. **Economic Development Committee** – The minutes are being prepared by Robin Horman, therefore the report will be tabled to the February meeting.

11. **TREASURER'S REPORT:**

a. **Revenues with Comparison to Budget:**

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Revenues with Comparison to Budget Report for the 12 months ending 12/31/2014. **Motion carried.**

b. **Payment Approval Report:**

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve Payment Approval Report for 12/17/2014 - 1/14/2015 and 1/16/2015 – 1/20/2015. **Motion carried.**

12. **PUBLIC COMMENT:**

Bryce Matthews asked about the status of Elm Street given that there has been no report for the last two months and Mr. Wert stated that Mr. Rohrbach has been on medical leave. Mr. Matthews asked if Elm Street is inactive given Mr. Rohrbach's absence however it was noted that the CRF oversees Elm Street therefore the chair of the CRF should be contacted concerning Elm Street matters. It was also noted that as the chair of the NAC, Mr. Matthews can call those meetings as he wishes.

Jim Rogers asked if up to date Certificate of Liability forms have been received for the Wyomissing Area Little League and Mr. Sichler said that they are making arrangements to receive them directly from the insurance company which will be easier than obtaining it from a volunteer organization. The fields were then discussed and Mayor Rodriguez asked if there are groups that wish to lease the fields. Mr. Sichler responded that the problem with the fields is that they are overused and there is very little time when it doesn't have teams scheduled to be on it. He added that little league football will bring their slit seeder to seed the fields as soon as the ground thaws.

Keith Fox spoke about almost being hit at 5th and Penn while crossing from the north to south. He noted that the crosswalk light is illuminated at the same time that the right turn only signal is illuminated. It was noted that PennDOT has configured it that way and it is out of the Borough's control. Chief Powell noted that in Pennsylvania, motor vehicles must yield to pedestrians however Mr. Wert felt that was not enough and that additional measures should be taken. Mr. Fox was asked to attend the next Traffic Committee meeting to discuss this further.

Mr. Wert spoke about his concern regarding the large number of street lights that are out along the West Shore By-pass between Lancaster Avenue and Penn Avenue. He has contacted PennDOT to ask about the situation.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 10:08 p.m. to discuss Personnel. When the meeting reconvened at 11:30 p.m., the following actions were taken:

- **Moved** by Mrs. Kulesa and seconded by Mr. Garman to deny the West Reading Police Association's grievance on behalf of Ed Fabriziani. **Motion carried.**

- **Moved** by Mr. Garman and seconded by Mrs. Kulesa to call the list of eligible police officers once the list has been certified.

Voting yes – Ms. Craze, Mr. Garman, Mrs. Kulesa, Mr. Lincoln, Mr. Wert

Voting no – Mrs. Heckler

Motion carried

14. **ADJOURNMENT:**

Moved by Mrs. Kulesa and seconded by Mr. Lincoln to adjourn the meeting at 11:33 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman

Administrative Assistant