

## **BOROUGH OF WEST READING – BOROUGH COUNCIL**

**May 20, 2009 – 7:00 p.m.**

West Reading Borough Council held its regular monthly meeting at Borough Hall on Wednesday, May 20, 2009 (due to election day) with the following persons present: Council President Nathalie Kulesa; Council Vice-President Michael Doyle; Council Members Kevin Conrad, James Gallen Jr., Michael Geddio, Michael Morrill, Philip Wert; Mayor Shane Keller; Borough Manager George Tindall; Borough Solicitor Socrates Georgeadis; Police Chief Ed Fabriziani; Code Enforcement Officer Gerald Trate; Assistant Code Enforcement Officer Tracey Levering; Borough Foreman Jim Beane; Fire Chief Mark Burkholder; Recreation Coordinator Daphne Klahr, Main Street Executive Director Nevin Hollinger; Elm Street Manager Dean Rohrbach; Administrative Assistant Cathy Hoffman.

<b><u>VISITORS:</u></b>	Elizabeth Heckler	Resident
	Sheila Scott	Resident
	John Roland	The Reading Hospital
	Paul Toburan	The Reading Hospital
	David Major	The Reading Hospital
	Scott Miller	Stackhouse Bensinger
	Warren Stevens	Owner - 301 Penn Avenue
	Jeff Rockett	Owner - 713 Penn Avenue
	Don Haines	Ephrata
	Massimo Grande	421 Penn Avenue
	Mark Shearer	Owner – 727 Penn Avenue
	Oswald Herbert	Resident
	Ruth Cardell	Resident
	Amber Rambo	Resident
	Audrey Schaeffer	Resident
	Darrin Youker	Reading Eagle
	Daryl Jenkins	Great Valley Consultants

Council President Nathalie Kulesa called the meeting to order at 7:00 p.m. which was followed by a moment of silence and the Pledge of Allegiance. Immediately following, the meeting was recessed for the Public Hearing for the proposed restatement of the Borough of West Reading Zoning Ordinance. The Public Hearing closed at 7:30 p.m. at which time the Council Meeting reconvened and roll call was taken.

### **PUBLIC COMMENTS:**

Massimo Grande – Mr. Grande spoke on behalf of his family who owns GNA Restaurant at 421 Penn Avenue, regarding an ongoing issue with an individual who resides at the adjacent assisted living facility. Chief Fabriziani advised that the restaurant should continue to report the incidents when they happen, and within the next week, he, along with Mayor Keller and Mr. Tindall will address the issue with the operator of the assisted living facility.

### **APPROVAL OF COUNCIL MINUTES:**

**Moved** by Mr. Gallen and seconded by Mr. Conrad to approve the minutes of April 21, 2009. **Motion carried.**

### **SOLICITOR'S REPORT:**

Mr. Georgeadis stated that Ordinance 982 (cleanup of Traffic Ordinance Section 210) had been advertised and is ready for Council's vote. **Moved** by Mr. Morrill and seconded by Mr. Conrad to approve Ordinance 982. **Motion carried.**

With regard to the Reading Hospital Co-Generation plant, Mr. Georgeadis stated that there are two matters to consider, the first being Council's decision regarding the Conditional Use application. He noted that a public hearing was held on April 21<sup>st</sup>, 2009. **Moved** by Mr. Conrad and seconded by Mr. Wert to approve the Conditional Use for the Co-Generation Plant as submitted by The Reading Hospital and Medical Center. **The motion was carried with a 5-2 vote (Mr. Gallen and Mr. Doyle voted "no").**

A decision regarding the Land Development Plan for the Co-Generation Facility as submitted by The Reading Hospital and Medical Center was then brought forward. Mr. Georgeadis stated that a letter had been issued by Great Valley Consultants on May 7<sup>th</sup>, 2009 stating that the Planning Commission at their May 6<sup>th</sup> meeting had voted to recommend to Borough Council that preliminary final approval of the Land Development Plan be granted. Mr. Jenkins told Council that the technical and engineering items have been addressed and if the plan is approved, any remaining items will then be addressed. **Moved** by Mr. Conrad and seconded by Mr. Wert to approve the Land Development Plan for the Co-Generation Plant for The Reading Hospital and Medical Center. **The motion was carried with a 5-2 vote (Mr. Gallen and Mr. Doyle voted "no").**

Mr. Doyle stated for the record that in his opinion a power plant is not an accessory use or a conditional use in any zoning district and further that even under a special exception, it is for a 'power utility installation' and that the hospital is not considered a power utility, therefore they do not qualify.

Regarding the proposed restatement of the Zoning Ordinance, a motion was brought forward to approve the Zoning Ordinance, however Mr. Conrad asked what the time frame would be to implement an overlay district as discussed at the Public Hearing. It was noted that the implementation of an overlay district could be in effect by the end of the year. As part of this process the Planning Commission will be reviewing other areas of the Borough which could benefit from an overlay district. It was noted that the process needs to proceed as quickly as possible to ensure that the property owners are not negatively impacted by the situation. **Moved** by Mr. Wert and seconded by Mr. Morrill to adopt the restated Zoning Ordinance as advertised. **Motion carried.**

**Moved** by Mr. Doyle and seconded by Mr. Conrad that Borough Council directs the Planning Commission and the Borough Engineer to move with all speed to prepare an overlay district for at least those two portions of the General Business District that have been rezoned Central Business District, so that each of those two areas would have the benefit of an overlay district for Central Business District and General Business District and that the Planning Commission review the zoning map to determine whether other areas would benefit from an overlay district. **Motion carried.**

**Moved** by Mr. Doyle and seconded by Mr. Morrill to accept the Solicitor's Report. **Motion carried.**

#### **ENGINEER'S REPORT:**

Mr. Jenkins reported the following:

- The sanitary sewer rehabilitation project has been completed and once the video tape is received, it will be reviewed. Recommendations will be made at the next Council meeting.
- The restoration of the Borough's park property at the Shillington interceptor project is proceeding. A professional landscaper will be reseeding the entire field.
- Main Street Phase 5 work is proceeding and is on schedule.
- The pool painting project is ongoing – the patching is complete and the primer base has been applied; final paint coat is in progress. **Moved** by Mr. Doyle and seconded by Mr. Conrad to approve Payment Application No. 2 in the amount of \$5,039.30. **Motion carried.**
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Mr. Tindall added the surface of the baby pool is cracked and damaged, and recommended repairs be made and a cover purchased, which he said can be done now and remain within budget. The numbers were reviewed and it was determined that \$71,900 has been spent of the \$125,000 that had been allocated. A quote of \$10,200 has been received to repair and refinish the baby pool, however a cover would have to be custom made and estimates have not been received for this work. **Moved** by Mr.

Conrad and seconded by Mr. Doyle to approve the repair of the baby pool in the amount of \$10,200.

**Motion carried.** Council instructed Ms. Klahr to look into the purchase of covers for both the baby pool and the big pool.

**Moved** by Mr. Doyle and seconded by Mr. Conrad to accept the Engineer's Report. **Motion carried.**

Mr. Jenkins then left the meeting.

**BOROUGH MANAGER'S REPORT:**

*Main Street Phases 4 & 5* – Mr. Tindall stated that the funds for these phases were originally requested by the Main Street Foundation, however it has now been requested by PennDot that the operating funds be transferred to the Borough which will then act as the receiving agency. If approved in accordance with the resolution, the Borough will take over the distribution of the funding for Phases 4 and 5. Mr. Tindall added that this is a paper transfer and noted that Phases 2 and 3 were done the same way about six years ago. Mr. Georgeadis stated that his office has reviewed the documents and everything appears to be in order. Mayor Keller said that the Authority's solicitor has reviewed the documents and has no issues with it.

Also, at the Foundation's last meeting, it was recommended to approve the resolution, subject to the Solicitor's review and approval. **Moved** by Mr. Gallen and seconded by Mr. Conrad to accept both resolutions. **Motion carried.**

Mr. Georgeadis then left the meeting.

*Met-Ed Street Lighting Resolution 2009-6* – Met-Ed is replacing a street light in the area of 219 Olive Street and requests approval of the resolution to do so. **Moved** by Mr. Conrad and seconded by Mr. Doyle to approve Resolution 2009-6 regarding the street light at 219 Olive Street. **Motion carried.**

*Cooperative Purchasing Agreement* – Mr. Tindall stated that the Borough is a member of the Berks County Cooperative Council which is in the process of bidding for a bulk purchase of electricity. Mr. Tindall asked Council to approve the agreement which will allow the Borough to purchase electricity at a reduced rate. **Moved** by Mr. Conrad and seconded by Mr. Geddio to approve Resolution 2009-7. **Motion carried.** **Moved** by Mr. Conrad and seconded by Mr. Morrill to appoint Mr. Tindall to the Berks County Cooperative Purchasing Council. **Motion carried.**

Mr. Gallen asked about the status of the BID, since its defeat several months ago. Mr. Conrad stated that it had been discussed at the Main Street Authority meeting and that a recommendation will be forthcoming. Mrs. Kulesa stated that business owners have been invited to attend a meeting at the Fire Company on May 26th to discuss ongoing items. Mr. Gallen also asked for an update regarding the possibility of installing parking meters and Chief Fabriziani stated that Council would have to instruct him or the Borough Manager to look into it. Mr. Conrad stated that if Council wishes to have parking meters investigated, it should be assigned to the Traffic Committee first. **Moved** by Mr. Conrad and seconded by Mr. Doyle to assign the parking meter issue to the Traffic Committee. **Motion carried.**

**Moved** by Mr. Conrad and seconded by Mr. Doyle to accept the Borough Manager's Report. **Motion carried.**

**CODE ENFORCEMENT OFFICER'S REPORT:**

Council discussed the procedure for penalizing PennDot if they fail to keep the clover leaf grass cut. It was suggested that if that situation occurs, a letter should be sent advising that they will be cited. **Moved** by Mr. Wert and seconded by Mr. Doyle to accept the Code Enforcement Officer's Report. **Motion carried.**

**COMMITTEE/COMMISSION REPORTS:**

Recreation Commission – Ms. Klahr reported the following:

- The pool will open on June 6<sup>th</sup>. The late opening is due to the work on the pool that was delayed because of rain.
- Staff orientation was completed last weekend.
- The playground program is ready to go – field trips have been scheduled.
- The Memorial Day fireworks will be held on the 23<sup>rd</sup> at 9:30 p.m.
- The exercise equipment at the playground is being used regularly.
- She has been advised that the Borough's DCNR grant application has been moved higher on the list for approval.

Mrs. Kulesa thanked the Borough Crew and Chief Burkholder for assisting with the Father/Daughter Dance, which was very successful with 343 in attendance.

**Moved** by Mr. Gallen and seconded by Mr. Geddio to accept the Recreation Commission report. **Motion carried.**

Planning Commission – Mr. Wert stated that Ron Shaffer, Mr. Tindall and Mrs. Kulesa met with Egan Sign regarding the sign that will be on the rock wall along the Penn Avenue side of the Candlewood Suites hotel. They were able to agree on a sign that was more aesthetically pleasing than what had been previously proposed. **Moved** by Mr. Gallen and seconded by Mr. Conrad to accept the Planning Commission report. **Motion carried.**

Safety Committee – Mr. Beane reported that the Safety Committee had begun the first installment of a safe driving course. **Moved** by Mr. Conrad and seconded by Mr. Wert to accept the Safety Committee report. **Motion carried.**

Traffic Committee – Mr. Conrad reported that the Committee is recommending the approval of two handicapped parking space requests:

- Luther Gilbert – 333 Sunset Road. The space will be located at the south end of the block by the alley. A 90 day order had previously been in effect for another individual, but it was not used. The signs remain in place – all that is required is the advertising of the ordinance. **Moved** by Mr. Gallen and seconded by Mr. Doyle to advertise the handicapped space. **Motion carried.**
- On Cherry Street - the 300 block, near South Third Avenue. There are currently no handicapped spaces on that street. **Moved** by Mr. Doyle and seconded by Mr. Morrill to advertise the space, contingent upon approval of the location with the individual once Chief Fabrizio has spoken with her. **Motion carried.**

Mr. Conrad stated that the Committee has requested that Council President (Mrs. Kulesa) consider expanding the Traffic Committee to include one resident who is not an employee nor an elected official. Mrs. Kulesa agreed therefore once a resident is found, the appointment will be made.

**Moved** by Mr. Morrill and seconded by Mr. Conrad to accept the Traffic Committee report. **Motion carried.**

**POLICE CHIEF'S REPORT:**

Chief Fabrizio thanked Mr. Wert for suggesting "Twitter" to the Police Department; Officer Karetas has implemented the site and so far 45 individuals have signed up. He noted that 'Twitter' along with the Borough website were used to update everyone regarding parade information last Saturday. Chief Fabrizio thanked the crew and fire police for their hard work during the parade.

Chief Fabriziani also reported that Officer Ryan Phillips has just completed training and is now certified for traffic reconstruction, truck inspection, truck weight, etc. Also, the new speed device has been put into service.

Regarding the JAG grant (stimulus funding), Chief Fabriziani reported that the paperwork has been submitted. They have begun the search for video surveillance equipment which will be purchased with those funds.

As a final note, Chief Fabriziani stated that he along with the Police Chiefs from Spring Township and Wyomissing Borough will be looking at implementing a joint Citizen's Police Academy class. Cpl. Phillips has been assigned to work with their crime prevention people on this project.

**Moved** by Mr. Doyle and seconded by Mr. Conrad to accept the Police Chief's Report. **Motion carried.**

### **MAYOR'S REPORT:**

Mayor Keller thanked everyone involved with the parade and publicly acknowledged Chief Fabriziani and Mr. Tindall, whose assistance was invaluable.

**Moved** by Mr. Morrill and seconded by Mr. Conrad to authorize the hiring of Mark Civitarese and Robert Baum as Part-Time Parking Enforcement Officers. Mayor Keller noted that each would work 25 hours per week at a rate of \$12. per hour to start. A successful background screening must first be completed.  
**Motion carried.**

Mayor Keller then spoke about the Sidewalk Café Ordinance and reported that the Main Street Authority met on May 11<sup>th</sup> to discuss recommendations from the Business Association. The recommendations from the Authority are as follows:

- The application fee would continue to be an annual application fee, however the fee reduced to \$50 per year.
- The application would be completed annually and include maps and/or a drawing.
- The Codes Department and the owner would jointly decide where on the sidewalk the tables would be located. In the event of a disagreement, Codes would have the final say.
- The permit would be renewable at any point throughout the year, however the renewal for the next calendar year must occur by December 1<sup>st</sup> of the current calendar year. If they do not renew by December 1<sup>st</sup> they would have to go through the entire application process again.
- The tables would be allowed to remain outside at the owners discretion, as long as there is a 4' pathway.
- Whatever furniture is placed outside of a business under the ordinance must be compliant with all other codified ordinances.
- Currently the ordinance covers from the curb line to the front of the building and it is the recommendation of the Authority to not change that part of the ordinance.

**Moved** by Mr. Gallen and seconded by Mr. Conrad to accept the recommendation of the Main Street Authority as stated by the Mayor in his report, and instruct the solicitor to draft the ordinance per the recommendations. **Motion carried.**

**Moved** by Mr. Conrad and seconded by Mr. Morrill to accept the Mayor's Report. **Motion carried.**

### **BOROUGH FOREMAN'S REPORT:**

Mr. Beane responded to questions regarding the Code Red system that was implemented during the recent water advisory from the Western Berks Water Authority. Chief Fabriziani noted that it has to be initiated by West Side Emergency Management. Mr. Beane said it worked well but some further 'tabletop' practice needs to be completed to ensure that everyone is properly prepared. **Moved** by Mr. Conrad and seconded by Mr. Doyle to accept the Borough Foreman's Report. **Motion carried.**

**FIRE CHIEF'S REPORT:**

**Moved** by Mr. Conrad and seconded by Mr. Doyle to accept the Fire Chief's Report. **Motion carried.**

**MAIN STREET EXECUTIVE DIRECTOR'S REPORT:**

Nevin Hollinger reminded Council about the May 26<sup>th</sup> meeting at the Fire Company which will provide an opportunity to talk about the cooperative relationships between the Borough and the Main Street programs.

**Moved** by Mr. Conrad and seconded by Mr. Morrill to accept the Main Street Executive Director's Report. **Motion carried.**

**ELM STREET MANAGER'S REPORT:**

Dean Rohrbach reported the following:

- \$5000 in funds have been raised so far this year with another \$1900 pledged.
- The DCED contracts have been received, executed and returned. The \$375,000 that was requested has been awarded.
- The 10 Points Community Garden has won a state-wide award for urban greening.

**Moved** by Mr. Morrill and seconded by Mr. Conrad to accept the Elm Street Manager's Report. **Motion carried.**

**REVENUES WITH COMPARISON TO BUDGET – ENDING 4/30/09:**

**Moved** by Mr. Morrill and seconded by Mr. Conrad to approve the Revenues Report for four months ending 4/30/09. **Motion carried.**

**PAYMENT APPROVAL REPORT - 4/22/09 TO 5/18/09:**

**Moved** by Mr. Conrad and seconded by Mr. Doyle to approve the Payment Approval Report for 4/22/09 to 5/18/09. **Motion carried.**

Mr. Morrill distributed a resolution which is a non-binding resolution that recommends the support of HR676 regarding universal health care. He stated he will be presenting it for action at the next Council meeting.

Mr. Gallen brought forward his concerns about the non-uniform employee pension plan is down 35%. Mr. Tindall was instructed to check into it with McGlinn Capital Management.

**ADJOURNMENT:**

**Moved** by Mr. Conrad and seconded by Mr. Morrill to adjourn the meeting at 9:20 pm.

Respectfully submitted,

Approved by,

Cathy Hoffman  
Administrative Assistant

George I. Tindall  
Borough Manager/Secretary