

BOROUGH OF WEST READING – BOROUGH COUNCIL

DECEMBER 16, 2008 – 7:00 P.M.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, December 16, 2008 with the following persons present: Council President Nathalie Kulesa; Council Members Michael Doyle, Kevin Conrad, Michael Geddio, James Gallen Jr., Michael Morrill, Philip Wert; Mayor Shane Keller; Borough Manager George Tindall; Borough Solicitor Socrates Georgeadis; Police Chief Ed Fabriziani; Code Enforcement Officer Gerald Trate, Borough Foreman Jim Beane; Fire Chief Mark Burkholder; Recreation Coordinator Daphne Klahr; Main Street Executive Director Nevin Hollinger; Administrative Assistant Cathy Hoffman.

VISITORS: Darrin Youker- Reading Eagle Reporter
Ruth Cardell – 728 Reading Avenue
Kerry Hicks – 230 Chestnut Street
Amber Rambo – 307 Sunset Road
Oswald Herbert- 314 Reading Avenue
Don Haines – 156B West Fulton Street
Elizabeth Heckler – 460 Chestnut Street
Joe Townsend – 107 Kent Way
Will Gernert – 107 N. Third Avenue
Darryl Jenkins – Great Valley Consultants

Council President Nathalie Kulesa called the meeting to order at 7:00 p.m. A moment of silence was followed by the Pledge of Allegiance and Roll Call.

PUBLIC COMMENTS:

Kerry Hicks – 230 Chestnut Street

Mr. Hicks commented regarding the budget and felt that there was a way to balance the budget without cutting services or increasing taxes. He then offered his assistance to Council.

APPROVAL OF COUNCIL MINUTES:

Mr. Conrad stated that there was an error on page 3 of the November 18th Council minutes. (The motion to remain with EHD failed.)

On motion duly made by Mr. Gallen seconded by Mr. Morrill and passed, Council approved the Budget workshop minutes of November 18, the Council minutes of November 18 (as amended) and the Special Council Meeting minutes of November 25, 2008.

ENGINEER'S REPORT:

Mr. Jenkins stated that with regard to the 2008 Sanitary Sewer Rehabilitation Project, an application for payment had been received for work that is scheduled to be finished by December 19th. He requested approval of the payment in an amount not to exceed \$106,835. and explained that the application should be paid in this budget year. The final figure will be determined once the work is completed on Friday and final quantities are known.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the application for payment from Reynolds Inliner in an amount not to exceed \$106,835, contingent upon a successful review from the Engineer.

On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved payment to Burkholder Paving in the amount of \$22,602.89 for work to date. Mr. Jenkins noted that this reflects a withholding of 10% retainage, and that Burkholder Paving will be returning in the spring to complete the last 150 feet.

Regarding the pool house step installation, Mr. Jenkins said the primary portion is complete, however a new door and beam need to be installed. This should be completed in the coming week. Mr. Jenkins requested payment of the application in the amount of \$27,920.05 which covers all of the work, including

the door and beam. **On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved payment in the amount of \$27,920.05, subject to the installation of the door and GVC's approval of the work.**

Mr. Jenkins briefly mentioned the revised Zoning Ordinance which is substantially complete and should be in Council's hands for review in January.

On motion duly made by Mr. Conrad, seconded by Mr. Gallen and passed, Council approved the Engineer's Report.

SOLICITOR'S REPORT:

Mr. Georgeadis referred to a resolution (requested by The Standard Company) regarding the updating of the non-uniform pension plan that must be adopted by December 31, 2008 to comply with IRS regulations. He stated that he has reviewed the information and that it is simply a housekeeping issue. **On motion duly made by Mr. Doyle, seconded by Mr. Geddio and passed, Council approved the updating of the Non-Uniform Pension Plan according to Standard's instructions and authorizing Sharon Morgan to follow through with those documents.**

Regarding the elimination of contributions for the Police Pension Plan, Mr. Georgeadis said that the plan will remain solvent even if the Borough continues to eliminate member contributions. The current contract has a provision that if the plan is sound without member contributions, then the Borough must continue to eliminate the member contributions. **On motion duly made by Mr. Morrill, seconded by Mr. Geddio and passed, Council agreed to continue the elimination of member contributions to the Police Pension Plan for the 2009 fiscal year.**

Mr. Morrill raised the issue regarding the Tax Collector, given that the current term will expire at the end of 2009. Mr. Georgeadis was asked to review the research that was done a few years ago regarding elimination of the position.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the Solicitor's Report.

BOROUGH MANAGER'S REPORT:

2009 Budget – Mr. Tindall stated that the budget had been duly advertised and was ready for Council's action.

Mr. Conrad said that after much discussion, it was his recommendation to reallocate funds in the proposed budget by reducing the paving line item and transferring those funds to the recreation capital fund, the capital fund for the fire truck and the remainder to the water capital fund and sewer capital fund. He noted that the alleys can still be paved as proposed, but that the road work for S. Fifth Avenue would be delayed until 2010. Much discussion ensued regarding this reallocation of funds and proposed changes to various road projects.

On motion duly made by Mr. Morrill, seconded by Mr. Wert and passed, Council approved the reallocation of funds, as follows: Reduce line item 3465004 from \$200,000 to \$50,000; Increase 3450090 to \$25,000 and 3411064 to \$25,000; with the remaining \$100,000 to be placed in reserve – one half for the water fund and one half for the sewer fund. The motion passed with a 6-1 vote (Mr. Doyle voted "no").

More discussion regarding the budget ensued. Mr. Morrill then introduced a motion to approve the budget as presented with the modifications that were just made. Mr. Wert seconded the motion, however the motion failed. Voting no were Mr. Conrad, Mr. Gallen, Mr. Doyle and Mrs. Kulesa. Mr. Morrill, Mr. Geddio and Mr. Wert voted yes.

It was then suggested that Council meet again for a special session to again discuss the budget. One of the specific issues to be discussed will be the raises for non-unionized employees, which are currently

awarded automatically. The recommendation is that performance based raises should be implemented instead.

Many suggestions followed regarding how to cut the budget, or if taxes should be increased further than the proposed 1.25 mills. None of the suggestions were broadly accepted.

Council recessed to an Executive Session at 8:10 p.m. to discuss the Police Contract. Council returned to public session at 8:45 p.m.

On motion duly made by Mr. Morrill, seconded by Mr. Geddio and passed, Council approved the adoption of the proposed collective bargaining agreement between the Borough of West Reading and the Police Officers Association of West Reading with a 5-2 vote. Voting no were Mr. Doyle and Mr. Gallen. Mrs. Kulesa, Mr. Morrill, Mr. Conrad, Mr. Geddio and Mr. Wert voted yes.

Mr. Doyle brought forward a motion to freeze the 2009 general budget at the expenditure levels of the 2008 budget. This was seconded by Mr. Gallen, however the motion failed. Voting yes were Mr. Gallen and Mr. Doyle. Mrs. Kulesa, Mr. Morrill, Mr. Conrad, Mr. Wert and Mr. Geddio voted no.

On motion duly made by Mr. Morrill, seconded by Mr. Wert and passed, Council unanimously agreed to amend the proposed budget with regard to mandatory raises; specifically that the Personnel Committee and the Borough Manager be charged with the responsibility of creating a structure for performance based personnel reviews to be used for the awarding of annual raises.

On motion duly made by Mr. Morrill, seconded by Mr. Wert and passed with a 5-2 vote, Council approved the 2009 budget as amended. Mr. Gallen and Mr. Doyle voted no, with Mrs. Kulesa, Mr. Morrill, Mr. Conrad, Mr. Geddio and Mr. Wert voting yes.

Ordinance re: Sewer Rate Increase – Mr. Tindall said that the Joint Municipal Authority has informed the Borough that the rate for sewage treatment will be increased by \$.20 per 100 cu ft as of January 1, 2009 and the Borough either has to increase the rate to Borough residents, or absorb the extra cost. **On motion duly made by Mr. Morrill, seconded by Mr. Gallen and passed, Council approved Ordinance 977 which will increase the sewer rate by \$.20 per 100 cu. ft.**

JMA Vacancy - Mr. Tindall stated that letters of interest had been received from Borough residents Oswald Herbert and Joseph Townsend, however Mr. Townsend chose not to remain for this portion of the meeting. **On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council appointed Mr. Oswald Herbert as a Borough's representative to the Joint Municipal Authority of Wyomissing Valley.**

Revised Zoning Ordinance – Mr. Tindall updated Council by explaining that the revision of the Zoning Ordinance is almost complete however there are a few properties that may need to be reallocated to another zone. He stated that Council will receive a revised copy of the ordinance with all changes shown in red. The proposed ordinance will then be advertised and a Public Hearing will be scheduled.

Resolution re: Borough Fees – There were some questions regarding the proposed fee schedule for 2009 therefore it was decided to wait until the January meeting for approval.

Advertising of 2009 Business Meeting Schedule - **On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the business meeting schedule which will be advertised in the Reading Eagle.**

Resolution re: Automatic Rollover Amendment – Mr. Tindall stated that this was simply a housekeeping item, that notification had been received from the Standard Company stating that this document was never passed but should have been done in 2004. **On motion duly made by Mr. Morrill, seconded by Mr. Wert and passed, Council approved the Automatic Rollover Amendment.**

Commercial/Industrial Water Rates – Mr. Tindall stated that in the past it had been suggested that a commercial water rate study be completed to determine if the Borough should increase commercial and

industrial water rates. This has not been completed since 2004 therefore Council asked that the Engineer provide a cost estimate to complete this study.

Insurance Update – Council had previously requested that Mr. Tindall obtain prices for insurance coverage, however Mr. Tindall explained that this can't be done unless the current insurance company is essentially 'fired'. Mr. Gallen further explained that Council would have to name another agency as the 'broker of record' to gain quotations for coverage. He felt it would be worthwhile to obtain other quotations.

Much discussion ensued regarding the difference between the agencies, the carriers and the benefits that could be achieved by 'shopping' for better pricing. Mr. Gallen provided extensive information regarding this process. It was noted that Mr. Gallen was not in a conflict of interest situation, however he would have to abstain from any voting for this issue.

Mr. Doyle brought forward a motion to name The Dunlop Group as the broker of record. This was seconded by Mr. Wert, however the motion was defeated. Voting yes were Mr. Geddio, Mr. Wert and Mr. Doyle. Voting no were Mrs. Kulesa, Mr. Conrad, and Mr. Morrill. Mayor Keller voted no to break the tie, which defeated the motion.

After much discussion it was decided that a special meeting should be held to allow presentations by various insurance agencies. **On motion duly made by Mr. Morrill, seconded by Mr. Geddio, Council approved a special meeting for January 6th at 7:00 p.m.**

Western Berks Water Authority Appointment – A letter has been received from the Western Berks Water Authority stating that Borough representative Michael Hart's term expires on December 31, 2008 and requested that he be reappointed for another four year term. **On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Michael Hart was reappointed to the Western Berks Water Authority Board.**

Resolution re Open Records Policy – **On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the Open Records Policy Resolution.**

As Mr. Georgeadis prepared to leave the meeting, he updated Council regarding the Belovich Townhouse development. He said that The Belovich Group has officially filed for bankruptcy and that Fulton Bank is being cooperative. Regarding the street lighting issue, Waldman Electric has been contacted and a price has been received for the installation (\$22,000 for 6 lights as approved by Met Ed). Once the installation is complete, the Borough will release the appropriate funds to the bank from the bond. **On motion duly made by Mr. Conrad, seconded by Mr. Doyle and passed, Council agreed that if work has not commenced by January 20, 2009 (through Fulton Bank), the project will be undertaken by the Borough.**

Mr. Georgeadis stated that they are working on snowplowing for the townhouses as well. He said that the agreement states that if the roads are not plowed and the Borough must take over, the Borough can charge them for the plowing and add an additional 20% fee from the escrow account. Also, there are 8 foundations that need to be secured as a safety precaution. Mr. Beane brought up about the street signs that are nonexistent and **Mr. Conrad brought forward a motion that was seconded by Mr. Doyle that if the installation of street signs have not started by January 20th, the Borough will do the work.** This was approved unanimously.

Mr. Beane noted that whomever plows the townhouse development will sustain damage to their equipment because of the streets not having the final layer of pavement installed, resulting in raised manholes, etc. Mr. Tindall stated that he has provided the bank with names of plowing contractors.

On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the Borough Manager's Report.

Mr. Georgeadis left the meeting at 9:40 p.m.

CODE ENFORCEMENT OFFICER'S REPORT:

There were brief questions regarding graffiti and damaged sidewalks. **On motion duly made by Mr. Doyle, seconded by Mr. Wert and passed, Council approved the Code Enforcement Officer's Report.**

JOINT MUNICIPAL AUTHORITY REPORT:

Mr. Gernert who had been in attendance, left when Council recessed for Executive Session, therefore no report was given.

COMMITTEE/COMMISSION REPORTS:

Recreation Commission – Ms. Klahr gave a list of winners that participated in the holiday decoration contest. She thanked Chief Burkholder for providing emergency power at the Christmas Tree lighting during the power outage.

On motion duly made by Mr. Doyle, seconded by Mr. Morrill and passed, Council approved the Recreation Commission report.

Safety Committee – **On motion duly made by Mr. Doyle seconded by Mr. Conrad and passed, Council approved the Safety Committee minutes.**

Planning Commission – Mr. Wert reported that the Planning Commission has been working on the revisions to the Zoning Ordinance and said that fences were an issue of concern. Brief discussion ensued regarding height of fences and retaining walls.

On motion duly made by Mr. Conrad, seconded by Mr. Doyle and passed, Council approved the Planning Commission report.

POLICE CHIEF'S REPORT:

Chief Fabrizio stated that Wyomissing police recently arrested a burglar, who also confessed to two robberies in West Reading. He also noted that the Youth Aid Panel for Wyomissing/West Reading has been awarded "Volunteer Panel of the Year" and pointed out the plaque that has been hung in the Council chamber.

On motion duly made by Mr. Morrill seconded by Mr. Conrad and passed, Council approved the Police Chief's Report.

MAYOR'S REPORT:

Mayor Keller stated that he had nothing to report.

BOROUGH FOREMAN'S REPORT:

Mr. Beane thanked everyone who helped out during the power outage which occurred while he was away on vacation. He also stated that a generator is critical for the Olive Street pump station to keep it running during a power outage.

Mr. Beane also reported that a 12" water main break occurred in the 100 block of South Second Avenue. He noted that they were able to keep residents in service during the repair.

On motion duly made by Mr. Gallen, seconded by Mr. Conrad and passed, Council approved the Borough Foreman's Report.

FIRE CHIEF'S REPORT:

Chief Burkholder highlighted that the Fire Company will be receiving a grant in the amount of \$160,000 to purchase air packs. He stated that it will not cost the Borough anything because the matching funds will be paid from the State Fireman's Relief Association funds.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Fire Chief's Report.

MAIN STREET EXECUTIVE DIRECTOR'S REPORT:

Mr. Hollinger presented two resolutions for Council's approval. Pertaining to the renewal of the BID, the first resolution deals with designating a public hearing prior to the next Council meeting at 6:00 p.m.

On motion duly made by Mr. Morrill, seconded by Mr. Geddio and passed, Council approved the Resolution establishing the public hearing on January 20th, 2009, at 6:00 p.m.

The second resolution names Reinsel, Kuntz, Leshar LLP as Clerk for Borough Council for the purposes of receiving and analyzing written objections by property owners in the BID, regarding the renewal of the BID. It was noted that this process will go forward 45 days after the public hearing. 'No' votes must be received in writing in order to count as a 'no' vote against the renewal of the BID. If a written vote is not submitted, it is counted as a 'yes' vote.

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the appointment of Reinsel, Kuntz, Leshar LLP as Clerk for the renewal of the BID.

On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the Main Street Executive Director's Report.

ELM STREET MANAGER'S REPORT:

Mr. Rohrbach was unable to attend the Council meeting.

REVENUES WITH COMPARISON TO BUDGET – ENDING 11/30/08:

On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the Revenues Report for the eleven months ending 11/30/08.

PAYMENT APPROVAL REPORT - 11/18/08 TO 12/16/08:

On motion duly made by Mr. Gallen, seconded by Mr. Morrill and passed, Council approved the Payment Approval Report for 11/18/08 to 12/12/08 and 12/13/08 to 12/16/08.

ADJOURNMENT:

On motion duly made by Mr. Doyle, seconded by Mr. Wert and passed, the meeting was adjourned at 10 p.m.

Respectfully submitted,

Cathy Hoffman
Administrative Assistant

Approved by George I. Tindall
Borough Manager/Secretary