

BOROUGH OF WEST READING – BOROUGH COUNCIL

March 17, 2015 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, March 17, 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; Elm Street Manager Dean L. Rohrbach; Main Street Manager Christin Kelley; Administrative Assistant Cathy L. Hoffman; Code Enforcement Officer Matt Magovern. Council President James J. Gallen Jr. was not in attendance.

VISITORS:	Ruth Cardell	Temple
	James T. Rogers	Resident
	Terry Siggins	Resident
	Karen & Jim Livingood	Residents
	Keith Fox	Resident
	Jennifer Bressler	Resident
	Robin Horman	Resident
	Bryce Matthews	Resident
	Suzanne Thompson	Resident
	Oswald Herbert	Resident
	Amber Rambo	Resident
	Tina Shenk	Property Owner
	Reporter	Reading Eagle

1. **CALL TO ORDER:** Council Vice President Philip C. Wert called the meeting to order at 7:01 p.m. which was followed by the Pledge of Allegiance and roll call.
2. **PUBLIC COMMENT:**
There was no public comment.
3. **APPROVAL OF COUNCIL MINUTES:**
Moved by Mr. Lincoln and seconded by Ms. Craze to approve the minutes of the February 17th 2015 meeting. **Motion carried.**
4. **ORDINANCES / RESOLUTIONS TO BE ADOPTED:**
Ordinance 1043 “Animals” – There was no discussion or questions concerning the proposed ordinance which had been duly advertised. **Moved** by Mrs. Kulesa and seconded by Mr. Garman to approve Ordinance 1043. **Motion carried.**
5. **UNFINISHED BUSINESS:**
 - a. **Belovich Development** – Mr. Becker said he had had several discussions with the attorney for the Bank and noted that they are preparing to finish all of the punch list items with the exception of the completion of the streets (Elm and Cashmere). Once the other items are complete, the streets will be dedicated to the Borough, with escrow funds being held until the completion of the two streets.
 - b. **Abandoned Properties** – The administrative warrant was issued for the property at 135 S 2nd Avenue and Mr. Sichler said that on March 16th the warrant was served and he, along with the Code Enforcement Officer entered the property to inspect and secure. They found that the roof was

compromised therefore it was covered, and windows and doors were secured. Gutters that had been backing up were also cleared to prevent problems for the adjacent properties.

Mr. Garman asked about snow removal at abandoned properties and it was noted that if the neighbors aren't willing to do it, the Borough can have the work completed and place a lien on the property, just as is usually done with grass cutting during the summer.

Concerning the other two abandoned properties, Mr. Sichler noted that they should probably be checked at certain intervals, however to do so an administrative warrant will have to be obtained in order to enter the property. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to obtain additional administrative warrants for the abandoned properties on Chestnut and Franklin. **Motion carried.** Ms. Craze asked about the steps necessary for the Borough to take over the properties and Mr. Becker said that once the liens are placed on the property, the Borough can file an action to collect the money on the liens and if they are not paid, the Borough can force the sale of the property.

- c. WRCRF Cooperation Agreement** – The proposed agreement was discussed at length again and Mrs. Heckler made a motion that the Borough not fund the West Reading Community Revitalization Foundation. It was noted that the Foundation did not agree to enter into the agreement and it was suggested that the CRF cannot function without an agreement. Much discussion ensued and Mr. Rohrbach said that in order for the CRF to obtain a 'Main Street' designation, they must have a cooperation agreement. The CRF can continue to operate without the designation however. Mr. Garman then seconded Mrs. Heckler's motion and more discussion followed. In-kind services were also discussed and although some on Council felt that those should be terminated as well, it was decided that it is the best interest of the Borough as a whole to continue with the in-kind services.

Mrs. Kulesa asked if perhaps an arbitrator could be found to hold discussions with both sides in an attempt to reach an agreement, which would be in the best interest of the Borough. Some members thought this would be a good idea while others did not.

One area of concern was what would happen if an agreement could not be reached and the Borough's funding withdrawn. Mr. Becker wanted to ensure that there weren't any grants or agreements where the Borough is legally bound that could have negative ramifications. Mr. Rohrbach said that funds have been received that are to be used in specific areas (such as the audit) by June 30, 2016. If those funds are used elsewhere, the State will be requesting reimbursement from the Borough. He added that the existing cooperation agreement between the West Reading Community Revitalization Foundation and the Borough is to oversee the Elm Street Program. Mr. Becker strongly recommended that Council take time to determine if there are any possible obligations that may remain in effect that could create a liability for Council. To that end it was decided to table the motion until the April Council meeting, however in the interim no funds would be disbursed to the CRF. Mr. Sichler said that he would be willing to arbitrate the discussions. Mr. Garman asked if the findings from the recent meeting with DCED and PDC could be obtained as well therefore Mr. Rohrbach will contact them to request this. In order to continue this discussion it was decided to meet on Tuesday, March 24th, which is already scheduled and advertised.

- d. Recycling Grant** – Mr. Sichler said that the paperwork for the grant has not yet arrived therefore this will be discussed at a later date.

6. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Becker said that he had nothing further but did require an Executive Session for personnel and threatened litigation.

Moved by Mr. Lincoln and seconded by Ms. Craze to accept the Solicitor's Report. **Motion carried.**

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

- The retaining wall project has been held up because of the weather but will be proceeding within the next week.
- A construction meeting for the Olive Street Pumping Station project was held and the contractor will be proceeding with the project in the coming week.
- Three proposals have been received regarding the Parkview Road Bridge. Mr. Unger is also following up with the State to determine their requirements for the bridge.
- Code Enforcement Officer Matt Magovern was introduced to everyone as the lead staff person in the Codes Department. Mr. Unger noted that Mrs. Madeira is in the office 40 hours per week however Mr. Magovern and Mr. Civitarese are less than 40 hours per week. He added that the complaint/violation request form is being used and working well.
- In response to a question from Mrs. Kulesa, Mr. Unger spoke about a meeting with a local funeral home concerning the installation of a crematory. He said that the zoning district permits it as an accessory use to a funeral home however the performance standards are very restricting as far as air quality is concerned. It will be up to the funeral home to determine if they can meet the criteria.

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

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

- a. **Planning Commission Appointment** – Borough resident Jennifer Bressler has submitted a letter of interest for the vacant seat on the Planning Commission. Mrs. Bressler was in attendance and introduced herself to Council. **Moved** by Mr. Garman and seconded by Mrs. Heckler to appoint Jennifer Bressler to the Planning Commission. **Motion carried.**

- b. **Employee Handbook** – Mr. Sichler spoke about the non-uniform Handbook which was previously distributed to Council for their review. He added that it had been drafted by an HR specialist that works with the Borough's insurance company and noted that unionized employees had reviewed it and had no concerns. The one item of significance is the addition of benefits for part-time employees, who will receive one half of the benefits that full time employees receive regarding sick, vacation and personal time. **Moved** by Ms. Craze and seconded by Mr. Lincoln to adopt the Employee Handbook. **Motion carried.** **Moved** by Mr. Garman and seconded by Ms. Craze to make the part time benefits as outlined in the Employee Handbook retroactive to January 1, 2015. **Motion carried.**

- c. **Deputy Tax Collector Appointment Authorization** – The County has a new form that must be completed that confirms the appointment of the Deputy Tax Collector. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to authorize Mr. Sichler to enter into the agreement which designates the Deputy Tax Collector. **Motion carried.**

- d. **Bridge Detours** – The contract for the Buttonwood Street bridge has been advertised with bids being awarded by April 30th. The detours could go into effect immediately, however the contractor will determine the schedule. In any case, notification must be made at least 30 days before it can be closed. Discussion ensued regarding the traffic changes that will occur.
- e. **TCC Update** – Two meetings have been held since January 1st to work through the transition from Berks EIT to the Tax Collection Committee. Mr. Sichler said that it is going well, and had one item to be discussed at Executive Session.
- f. **ARL Agreement** – The agreement, which allows the Animal Rescue League to pick up strays and investigate animal abuse in the Borough, is one that the Borough enters into annually. Chief Powell indicated that he had already signed the agreement which is at no cost to the Borough, therefore it was **moved** by Mrs. Heckler and seconded Mr. Garman to ratify the ARL agreement. **Motion carried.**
- g. **US Department of Agriculture Goose Control** – Goose control is budgeted each year which helps to control the goose population on Borough park land. **Moved** by Mr. Lincoln and seconded by Ms. Craze to renew the contract. **Motion carried.**

Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Borough Manager's Report.
Motion carried.

8. **MAYOR'S REPORT & WEST READING COMMUNITY REVITALIZATION FOUNDATION:**

Mayor Rodriguez noted the following:

- February 19 – West Reading Community Revitalization Foundation meeting
- February 25 – Code Department staff meeting – he will distribute minutes to Council
- The grease trap letter needs to be sent out and Mr. Unger said that it has been drafted and will be sent to Mr. Sichler for review.
- A change in procedure is being implemented for background checks. Those requesting solicitation permits will now be required to provide their own clearances.
- A personnel issue needs to be discussed in Executive Session.

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

9. **DEPARTMENT REPORTS:**

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

- The department presented two workplace safety sessions to borough businesses.
- 12 handicapped parking spaces need to be repealed because they are no longer in use.
- Information will be forthcoming at the April meeting concerning the security cameras.
- A press conference was held on March 16th concerning the credit card fraud investigation. Mayor Rodriguez acknowledged the Chief and the department for their efforts in that investigation, which was a joint effort with Wyomissing and Spring Township departments.

Moved by Mrs. Kulesa and seconded by Mr. Garman to approve the Police Department Report.
Motion carried.

- b. **Public Works** – Mr. Murray referred to his written report and noted an action item. He asked to add the following streets to the Street Sweeping Program:

- 1st and 3rd Tuesdays
 - Sycamore Road from Museum Rd to and including Linden Lane
 - Walnut St from Juniata St to Cashmere Way

- 2nd and 4th Tuesdays
 - North 3rd from Penn Ave to and including Summit Ave
 - North 4th from Court St to Summit Ave

Moved by Mr. Garman and seconded by Mrs. Heckler to advertise the ordinance to 1) add these streets to the Street Sweeping Program, and 2) repeal 12 handicapped parking spaces. **Motion carried.**

Mr. Murray also spoke about the possible purchase of a backhoe as detailed in his report. Mr. Sichler noted that the recycling grant will be funding the bulk of it and with the trade in value, the net cost to the Borough will be \$2000 - \$3000. He suggested that a deposit be placed on the backhoe to hold it until funding is in place. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to authorize the placement of a \$10,000 deposit on the Caterpillar backhoe for its purchase through the anticipated recycling grant. **Motion carried.**

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

- c. **Fire Department** – In addition to his written report, Chief Burkholder had several action items concerning appointments:

- Accept the resignation of Deputy Chief Jim Beane effective March 31st.
- Appoint Assistant Chief Chad Moyer to the position of Deputy Chief effective April 1st.
- Appoint Captain Jeffrey Reinert to the position of Assistant Chief effective April 1st.

Moved by Mrs. Kulesa and seconded by Mr. Garman accept the resignation of Jim Beane and approve the appointments of Chad Moyer and Jeffrey Reinert. **Motion carried.**

Mr. Sichler also mentioned that Council will need to approve a roster of Fire Police personnel once the list has been compiled.

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

- d. **West Reading Community Revitalization Foundation**

Elm Street and Main Street Manager' Report – Mr. Rohrbach referred to the jointly written report and added the following:

- Earth Day events will be held on Saturday, April 18th and will include preparing the Community Garden, planting flower containers and cleaning streets.
- Ms. Kelley spoke about the Jazz on the Avenue event, being held on Friday, April 10th at 7:00 p.m. at the Fred Astaire Dance Studio.

Moved by Mr. Lincoln and seconded by Mrs. Kulesa to approve the Elm Street and Main Street Manager's Report.

In favor of the motion: Ms. Craze, Mr. Garman, Mrs. Kulesa, Mr. Lincoln, Mr. Wert

Against the motion: Mrs. Heckler

Motion carried.

Mr. Garman asked that in future the minutes and events reporting be separated. There was some confusion also concerning one of the documents that was mislabeled as February when it should have been March.

10. **COMMITTEE/COMMISSION REPORTS:**

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

- The revised summer hiring list was distributed to Council for approval. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve the list of summer employees to be hired (as revised 3/16/15). **Motion carried.**
- Mrs. Moyer referred to last month's Council meeting where she had requested approval to prepare the application for the trail enhancement grant. She then requested approval to complete the grant application and allocate the 50% matching funds. Mr. Sichler explained that it is a two year grant therefore it probably could be split between 2016 and 2017. The maximum amount required for each year would be \$50,000. Mrs. Moyer indicated that the deadline for the application is April 15, 2015. **Moved** by Ms. Craze and seconded by Mr. Lincoln to authorize Mrs. Moyer to complete and submit the DCED Trail Enhancement grant. **Motion carried.**
- The Easter Egg Hunt will be held March 28th at 10:00 a.m. at the Fire Company.

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Recreation Commission Report.

Motion carried.

b. **Planning Commission** – Mr. Wert indicated that there were two options for the update of the Subdivision and Land Development Ordinance, as provided as SDE, Inc. The Commission made a recommendation to Council that the second proposal, in the amount of \$7500 be approved. Council had previously approved \$4000, and the Commission recommended that the \$2000 budgeted for zoning updates be utilized for this purpose, therefore the amount remaining is \$1500. Mr. Wert said that legal services have been budgeted at \$3000 for the Planning Commission in 2015 and given that those fees would be used to review documents such as the SALDO and that no other legal reviews are anticipated for this year, it was recommended that the \$1500 be obtained from that line item.

Moved by Mrs. Kulesa and seconded by Mr. Lincoln to make a budget adjustment of \$2000 from line item 01 414 342 to 01 414 330. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Ms. Craze to make a budget adjustment in the amount of \$1500 from line item 01 414 314 to 01 414 330. **Motion carried.**

Moved by Mr. Lincoln and seconded by Mrs. Kulesa to approve the Planning Commission report.

Motion carried.

c. **Economic Development Committee** – The minutes had not yet been prepared from the last meeting therefore these minutes will be brought to Council at the April meeting. The next meeting of the Committee will be held on April 13th at 7:00 p.m.

d. **Environmental Advisory Committee** – There were no questions concerning the Environmental Advisory Committee minutes.

Moved by Mr. Lincoln and seconded by Mr. Garman to approve the Environmental Advisory Committee minutes. **Motion carried.**

- e. **Shade Tree Commission** – Mr. Sichler stated that the Commission met on March 10th and that four lists had been prepared and reviewed: trees for removal, new trees to be planted, trees to be trimmed, and trees to be observed. There was some discussion concerning tree removal on South Sixth Avenue and Mr. Sichler noted that the trees had outgrown the space and needed to be replaced with a more appropriately sized tree. Mr. Rohrbach asked that a tree be planted on South Seventh between Cherry and Franklin and Mr. Sichler noted that this has already been approved by the Commission.

Moved by Ms. Craze and seconded by Mrs. Heckler to approve the Shade Tree Commission report. **Motion carried.**

11. **TREASURER’S REPORT:**

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

Moved by Mrs. Kulesa and seconded by Mr. Lincoln to approve the Revenues with Comparison to Budget Report for the two month ending 2/28/2015. **Motion carried.**

b. **Payment Approval Report:**

Ms. Craze asked about the legal fees that had been discussed at the last meeting and Mr. Sichler stated that the contract stipulated a lump sum payment of \$6000 for filings plus expenses. Mayor Rodriguez noted that the case has been submitted and the arguments are complete therefore there should be no further expenses.

Mrs. Kulesa had some questions concerning the Ehrlich billing and Mr. Sichler indicated that there is different pricing for the various areas depending on the type of treatment necessary. Mr. Garman asked if an all-encompassing contract could be obtained and Mr. Sichler said he would inquire about it.

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve Payment Approval Report for 2/18/2015 - 3/12/2015 and 3/13/2015 – 3/17/2015. **Motion carried.**

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:27 p.m. to discuss potential litigation and personnel. When the meeting reconvened at 11:26 p.m., the following actions were taken:

- **Moved** by Mrs. Heckler and seconded by Mr. Garman to promote Kerry Grassley to the position of Crew Leader. **Motion carried.**
- **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to make Helen Moyer the Recreation Director at a salary of \$33,000 per year. **Motion carried.**
- Mayor Rodriguez stated that he had received a letter of resignation from Council President Jim Gallen which stated “Mr. Mayor, it is with great regret and after considerable soul searching that I hereby inform you of my immediate resignation as a member of Borough Council.” Mr. Wert then asked anyone interested in the vacant seat forward a letter of interest and a resume to Mr. Sichler by March 23rd at 5:00 p.m. Interviews will be conducted at the regularly scheduled second meeting of Council on Tuesday, March 24th.

13. **PUBLIC COMMENT:**

James T. Rogers asked why excess building permit funds (from the hailstorm) could not be used to fund the SALDO review and Mr. Wert indicated that they were simply trying to keep the line item within that portion of the budget. It was also noted that those permit funds were included in the 2015 budget.

14. **ADJOURNMENT:**

Moved by Mr. Lincoln and seconded by Ms. Craze to adjourn the meeting at 11:30 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant