

BOROUGH OF WEST READING – BOROUGH COUNCIL

AUGUST 21, 2007 – 7:00 P.M.

West Reading Borough Council held its regular monthly meeting at West Reading Borough Hall on Tuesday, August 21, 2007 with the following persons present: Council President Stephanie Murray; Council Vice-President Kevin Conrad; Council Members Michael Doyle, Amy Good-Ashman, Kevin Hefty, Nathalie Kulesa, Michael Morrill; Mayor Shane Keller; Borough Manager George Tindall; Borough Solicitor Socrates Georgeadis; Police Chief Ed Fabriziani; Fire Chief Mark Burkholder; Code Enforcement Officer Gerald Trate, Borough Foreman Jim Beane; Recreation Coordinator Daphne Klahr; Main Street Executive Director Sam Loth; Elm Street Manager Dean Rohrbach; Recording Secretary Cathy Hoffman.

VISITORS: Oswald Herbert – 314 Reading Avenue
Becca Keller – 395 Oak Terrace
Bill Damore – 325 Kline Street
Jay Kupiszewski – 228 S. Third Avenue
Angela Kupiszewski – 228 S. Third Avenue
Elizabeth Heckler – 460 Chestnut Street
Kelly Lonaberger – 133 Franklin Street
Don Haines – 156B West Fulton Street
Rev. John Otto – 500 Franklin Street
Phil Wert – 214 Olive Street
Karen Livingood – 211 Sycamore Road
Ruth Cardell – 728 Reading Avenue
Darryl Jenkins – Great Valley Consultants

Council President Stephanie Murray called the meeting to order at 7:00 p.m. Reverend John Otto of Lighthouse Christian Center then gave the invocation.

Mayor Shane Keller requested the observance of a moment of silence in memory of Polly Rassow. He said that Polly was a strong advocate for the Borough and she loved the Borough. All those present observed a moment to recognize Polly.

The Pledge of Allegiance and Roll Call then followed.

PUBLIC COMMENTS:

Bill Damore – 325 Kline Street asked about the possibility of a stop sign or speed bumps on Kline Street. Chief Fabriziani stated that speed bumps are illegal in the Commonwealth of Pennsylvania.

Phil Wert – 214 Olive Street told Council that the Borough should have an area where residents can get rid of yard waste, grass clippings, etc. He noted that there are other municipalities that use neighboring communities as a depository for yard waste and wondered if the Borough could do the same, given that the Borough doesn't have any vacant land that could be used. Mr. Tindall stated that he would look into it, including looking at the piece of land that Cumru Township owns immediately adjacent to the Borough.

Oswald Herbert – 314 Reading Avenue asked Council if they have looked at enacting a nuisance tenant act and Chief Fabriziani stated that the Mayor's Advisory group is looking at it however it

must be inclusive, ie must include homeowners as well – not just tenants – to make it fair to everyone.

Mr. Herbert also asked about laws that govern loud noises from vehicles and Chief Fabriziani stated that the City of Reading is currently looking at enacting a law, however it is being challenged. Mr. Doyle suggested that the Chief look at Hempfield PA and New York City, both which have legislation in place. Sam Loth also suggested looking at Pottstown as well. Chief Fabriziani said he would look into it and report back to Council.

APPROVAL OF COUNCIL MINUTES:

On motion duly made by Mr. Morrill, seconded by Mr. Doyle and passed, Council approved the Council minutes of July 17th, 2007.

BOROUGH MANAGER'S REPORT:

Purchase of 30 Trees - Mr. Tindall stated that he had received 3 quotes for the purchase of 30 trees. The low bid was from Geissler Tree Farms in the amount of \$3300, and he noted that trees purchased from Geissler last year are still living. He noted that 5 trees are allocated for Penn Avenue and the remainder will be planted throughout the Borough by the Borough Crew.

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

Tree Trimming – Mr. Tindall stated that per the recommendation of the Shade Tree Commission, three quotes were received for the trimming of approximately 15 trees on Linden Lane and 30 on Wayne Avenue, between South Sixth and South Eighth Avenues. The low bid was from Marks Tree Service in the amount of \$9700. **On motion duly made by Mr. Doyle, seconded by Mrs. Kulesa and passed, Council approved the expenditure.**

Code Enforcement Budget Adjustment – Mr. Tindall requested approval to adjust certain line items of the Code Enforcement budget which primarily became necessary due to changes in personnel over the past few months. **On motion duly made by Mr. Doyle, seconded by Mrs. Kulesa and passed, Council approved the Code Enforcement Budget Adjustment.**

Swimming Pool Budget Adjustments – Mr. Tindall requested approval to move \$7000 from 90-452-181 to 9-452-370, which will make funds available to refinish the floor in the main entrance at the pool. **On motion duly made by Mr. Doyle, seconded by Mrs. Kulesa and passed, Council approved the Swimming Pool Budget Adjustment.**

Resurfacing of Pool Entrance Area – Due to a discrepancy in the quotes that were received for floor resurfacing at the pool house, this item was tabled.

Advertise Main Street Phase 4 and 5 – Mr. Tindall stated that Phase 4 covers the security lighting on the railroad bridge, and completion of the bicycle trail down to Bertolet Landing. Phase 5 covers the street lights, curbing, sidewalks and trees on 5th Avenue between the Circle and Cherry Street. He asking for Council to approve the advertising of the two projects, however a date will not be scheduled until it is approved by the State. It was noted that although the projects are covered by grant funds, the Borough is responsible for costs associated with preparing the bid specifications and the advertising of the projects.

On motion duly made by Mr. Conrad, seconded by Mr. Doyle and passed, Council approved the advertising of Main Street Phases 4 and 5.

Reconstruction of Alleys – Mr. Tindall explained that \$50,000 has been allocated for the reconstruction of alleys. The two alleys that have been chosen have no infrastructure in them and are in bad shape. The first is between Oak Terrace and Spruce Street, the other is between Tulpehocken and Olive Streets.

It was noted that some of the alleys in the Borough need to be completely rebuilt, however the funds currently allocated would not be sufficient to cover major reconstruction. Mr. Conrad stated that the Infrastructure Committee is looking at sewer lines first, then roads and water lines. He said that at the September meeting of the Infrastructure Committee they will work on prioritizing a list for work to be completed next year.

On motion duly made by Mr. Conrad, seconded by Mrs. Kulesa and passed, Council approved the preparation of bid specifications and the advertising for the reconstruction of these two alleys.

Appointment of Part-time Code Enforcement Officer – Mr. Tindall stated that after interviewing several applicants, a candidate was chosen and Council was polled to approve the appointment. **On motion duly made by Mr. Hefty, seconded by Mr. Morrill and passed, Council approved the hiring of the part-time Code Enforcement Officer, with a 6-1 vote. Mr. Hefty – Yes; Ms. Good-Ashman – Yes; Mrs. Kulesa – No; Mr. Doyle – Yes; Mr. Morrill – Yes; Mr. Conrad – Yes; Ms. Murray – Yes.**

Purchase of 2 computers – Mr. Tindall presented a quote for 2 new computers for the Codes Department and told Council that this department now has 4 employees, however there are only 3 computers and one of the computers is too old to even accommodate some of the necessary software. There was considerable discussion regarding the needs of the department, why the department wasn't upgraded when other computers were upgraded, and funding for the proposed purchase. A motion was made, however due to lack of a second, the motion died. It was decided that Mr. Doyle would investigate the software issues and report back to Council.

Mohnton Centennial Parade – Mr. Tindall stated that the Borough of Mohnton has invited the Borough of West Reading to participate in their Centennial Parade which will be held on September 29th. The float that was used in the Wyomissing 4th of July parade is still intact, however a volunteer is needed to pull the float. **On motion duly made by Mr. Doyle, seconded by Mrs. Kulesa and passed, Council approved the use of Jim Beane's personal vehicle to pull the Borough's centennial float in the Mohnton parade.**

Resolution to Fix Charges for Industrial Wastes - Mr. Tindall explained that these surcharges pertain to four sewer accounts only and that the surcharge rates are set by the Joint Municipal Authority of Wyomissing Valley. **On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the resolution regarding the charges for industrial wastes.**

Permission for Bonfires to be held - **On motion duly made by Mr. Doyle, seconded by Mrs. Kulesa and passed, Council approved the Wyomissing Area Football bonfire on October 12th and Holy Name bonfire on November 1st.**

As a final note, Mr. Tindall asked Council to bring their Codified Ordinance books to the office for updating.

On motion duly made by Ms. Good-Ashman, seconded by Mrs. Kulesa and passed, Council approved the Borough Manager's Report.

ENGINEER'S REPORT:

Mr. Jenkins provided Council with a summary of project bids and recommended actions, as follows:

2007 Sanitary Sewer Rehabilitations: Bids for this project were received on August 14 and consisted of two separate contracts for the project;

Contract 1 – Lining of Sewers – Low bid was from New Hope Pipe Liners in the amount of \$102,760.

Contract 2 – Excavation Repairs – Low bid was Wexcon, Inc in the amount of \$41,296.

Mr. Jenkins noted that the Joint Municipal Authority will reimburse the Borough for 50% of these two project amounts, which will result in the two contracts being completed under budget. **On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the awarding of the project to New Hope Pipe Liners in the amount of \$102,760 and Wexcon, Inc. in the amount of \$41,296.**

2007 ADA Curb Ramps: Mr. Jenkins stated that there are 26 intersections throughout the Borough that require ADA ramps, and that one bid was received from Diversified Construction in the amount of \$36,005. which is lower than the Engineer's estimate of \$42,100. He added that the source of funding is the Community Development Block Grant from Berks County Redevelopment Authority. The Borough's net cost is the engineering costs. **On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the awarding of the project to Diversified Construction in the amount of \$36,005., subject to the review and approval of the bid by the Berks County Redevelopment Authority.**

Franklin Street Improvements: Mr. Jenkins stated that this project is for the reconstruction of Franklin between 2nd Avenue and 3rd Avenue including the installation of storm sewers, and the replacement of brick sidewalk with concrete sidewalks, as well as curbing. Low bidder was EJB Paving & Materials Co. in the amount of \$208,425.70. The source of funding for the project is Berks County Redevelopment Authority. **On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the awarding of the project to EJB Paving & Materials Company, contingent upon to the review and approval of the bid package by the Berks County Redevelopment Authority.**

Second Avenue Improvements: Mr. Jenkins told Council that this project entails the resurfacing of Second Avenue, replacing all curbing and sidewalks on both sides of the street, and adding street trees and five street lights. He added that some minor changes may be necessary to the street lighting portion of the project, however for now the project should be awarded "as is". Source of the funding for this project is the Elm Street Grant, which was awarded last year in the amount of \$250,000. \$23,000 was utilized last year, therefore \$227,000 remains for this project. **On motion duly made by Mr. Conrad, seconded by Mr. Doyle and passed, Council approved the awarding of the project to Grace Industries in the amount of \$191,239.90.**

Belovich Group Town Homes – Escrow Release No. 11 – Mr. Jenkins recommended that Council approve Escrow Release No. 11, however Mr. Doyle asked if this takes into consideration the paving issues that Mr. Jenkins had recently brought to Council's attention. Mr. Jenkins responded that \$102,000 remains in escrow, which more than exceeds the cost of the streets. He further explained that during the construction, the developer neglected to contact the Engineer for inspection prior to the street being paved. Consequently, the developer was asked to take core samples which proved to be deficient according to Borough standards. As a result, Great Valley has recommended that the maintenance period be extended from 18 months to 3 years. As a final measure, the developer will not be able to dedicate the streets to the Borough unless the Borough is satisfied with it.

On motion duly made by Ms. Good-Ashman, seconded by Mr. Conrad, and passed, Council approved the release of \$27,048. to the Belovich Group.

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

CODE ENFORCEMENT OFFICER'S REPORT:

Mr. Trate thanked Council for the hiring of the department's part-time Code Enforcement Officer. He also added that he would be willing to meet with Mr. Doyle and Mr. Tindall to review the existing computer situation in the Code Enforcement Department as well as the Department's future needs.

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

SOLICITOR'S REPORT:

Mr. Georgeadis stated that there were two ordinances to be authorized for advertisement:

- 1) Revisions to Property Maintenance Code regarding Prosecution of Violations and Verbal Warnings
- 2) Revisions to Property Maintenance Code regarding Section 312, entitled Inspections.

Both ordinances pertain to Code Enforcement, and because there are two separate property maintenance ordinances, two proposed amendments are necessary. **On motion duly made by Mr. Doyle, seconded by Mr. Morrill and passed, Council authorized the advertising of both ordinances.**

Mr. Georgeadis added that he had an item to discuss in Executive Session pertaining to threatened litigation.

On motion duly made by Ms. Good-Ashman, seconded by Mrs. Kulesa and passed, Council approved the Solicitor's report.

COMMITTEE/COMMISSION REPORTS:

Traffic Committee – Chief Fabriziani stated that at last month's Traffic Committee meeting there was some discussion regarding handicapped parking at the pool, which was initially brought forward from public comment. The recommendation was to add a second handicapped parking space beside the existing one; and further to designate both spaces as 'seasonal', from Memorial Day to Labor Day, in conjunction with the pool opening. He stated that Mr. Georgeadis has looked into it and there appears to be nothing preventing the Borough from taking this action.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the advertising of the handicapped parking changes at the pool.

Mr. Conrad informed Council that the Traffic Committee did not meet in August.

On motion duly made by Mr. Morrill, seconded by Mr. Doyle and passed, Council approved the Traffic Committee minutes of July 18, 2007.

Infrastructure Committee – Mr. Conrad stated that there was nothing to present to Council from the Infrastructure Committee, other than to note that Mayor Keller is not a member of the Committee, as stated in the Infrastructure minutes; he attended as an observer.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Traffic Committee minutes of July 18, 2007 as amended.

Recreation Commission - Mrs. Kulesa told Council that the Borough held a memorial swim meet in memory of Kim Manning, and as a result the Recreation Commission has made a request to approve having an annual swim meet in her memory.

On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Recreation Commission recommendation that the last home swim meet of every year be dedicated to the memory of Kim Manning.

Mrs. Kulesa thanked everyone who made the memorial swim meet such a wonderful event.

On motion duly made by Mrs. Kulesa, seconded by Ms. Good-Ashman and passed, Council approved that the swim team party be held in conjunction with the movie night and campout which will be held on Friday, August 24th.

On motion duly made by Mr. Morrill, seconded by Mr. Hefty and passed, Council approved the Recreation Commission minutes of July 25 and August 8, 2007.

Recreation Coordinator Daphne Klahr informed Council that she had just received word from Senator O’Pake’s office that the Borough has received 100% funding for the exercise equipment to be installed next spring at the Playground.

Shade Tree Commission – **On motion duly made by Ms. Good-Ashman, seconded by Mr. Doyle and passed, Council approved the Traffic Committee minutes of August 2, 2007.**

Safety Committee – **On motion duly made by Ms. Good-Ashman, seconded by Mr. Doyle and passed, Council approved the Safety Committee minutes of August 17, 2007.**

POLICE CHIEF’S REPORT:

Chief Fabriziani updated Council regarding the Oak Terrace/Mr. Elder situation. He said that he met with Mr. Elder, went through the history of the ongoing problem, gave him a copy of the Pennsylvania Criminal Code which deals with Municipal Housing and told him that he could be charged. He was told he must clear up all of the problems with the property, pay all outstanding fines, and reimburse the Borough \$318 for grass cutting. Chief Fabriziani stated that since that time, he has paid the fines and cleaned up his property. The Code Enforcement office will continue to monitor the situation, and if problems persist, they will take further action.

Chief Fabriziani stated that the City of Reading now has a juvenile curfew program which provides a place for curfew violators can be left until parents are located and can pick them up. He stated that he has been working with the director of PAL to allow West Reading to be part of this program, which will benefit the Borough greatly by freeing up the time it takes to process a curfew violator. The Chief also said he has asked Mr. Georgeadis to revise the Borough’s Juvenile Curfew Ordinance to bring it up-to-date, given the increase in juvenile curfew violations. He added that they need to look at repeat offenders as well as the parent’s responsibility in these situations.

Chief Fabriziani also mentioned that he needed to bring forward a personnel issue at Executive Session.

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

MAYOR'S REPORT:

Mayor Keller stated that on July 24th a vehicular homicide occurred in the 600 block of Penn Avenue. He responded to the scene at 11:30 p.m. and witnessed first-hand the incredible dedication and cooperation from police, fire and fire police. He added that he saw the benefit of the Municipal Aid Agreement that evening; Spring Township provided 2 vehicles and officers to patrol the Borough while our officers were involved in the investigation. Wyomissing police were also involved in the investigation and in fact found the vehicle that was involved in the incident. He noted that the fire department, Chief Burkholder and fire police were on scene until 2:30 a.m. and thanked them for the great job that they did.

Mayor Keller stated that he has been attending Corridor meetings which has been primarily discussing concepts without getting into specific detail. He said he would keep Council apprised of the meetings in the event that they wish to attend the meetings.

Regarding the National Night Out event, Mayor Keller stated that it was a huge success, very well attended and that Daphne Klahr had worked tirelessly in conjunction with Cpl. Phillips to make the event so successful.

On motion duly made by Mr. Conrad, seconded by Mrs. Kulesa and passed, Council approved the Mayor's Report.

BOROUGH FOREMAN'S REPORT:

Borough Foreman Jim Beane stated that he had three purchase requests:

On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the purchase of 2 fire hydrants from LB Water Service in the amount of \$3240.

On motion duly made by Mrs. Kulesa, seconded by Mr. Conrad and passed, Council approved the purchase of various size water meters from LB Water Service in an amount not to exceed \$2977.65.

Mr. Beane stated that that third item is for the purchase of a 2008 GMC 3500 as a replacement for truck #18. He stated that this item is budgeted for purchase this year in the amount of \$50,000. Mr. Morrill stated that in looking at that line item, there remains only \$19,000 for the purchase (\$31,000 having already been spent).

Mr. Beane stated that it takes 12 – 16 weeks for delivery, therefore if the purchase is delayed, delivery will not occur until January. After some review of the budget, it was determined that the purchase of police vehicles may have been erroneously taken from that line item, therefore it would appear that the funds are available. **On motion duly made by Mr. Doyle, seconded by Mr. Conrad and passed, Council approved the purchase of the vehicle, contingent upon the confirmation that there is \$50,000 in that account and that there was a clerical error for that line item. The motion passed with a 6-1 vote. Mr. Hefty – Yes; Ms. Good-Ashman – Yes; Mrs. Kulesa – Yes; Mr. Doyle – Yes; Mr. Morrill – No; Mr. Conrad – Yes; Ms. Murray – Yes.**

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

FIRE CHIEF'S REPORT:

Chief Burkholder requested approval to spend \$1693.72 for hose testing. **On motion duly made by Mrs. Kulesa, seconded by Ms. Good-Ashman and passed, Council approved the expenditure for hose testing.**

On motion duly made by Mr. Conrad, seconded by Mrs. Kulesa, and passed, Council approved the appointment of Jeffrey Reinert to the position of Lieutenant to take the remainder of the term previously held by Jason Ganster who resigned June 30th.

Mrs. Kulesa thanked Chief Burkholder and the Fire Company for the professional and kind manner in which they handled a recent call to a neighbor's home.

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

MAIN STREET EXECUTIVE DIRECTOR'S REPORT:

Mr. Loth stated that Main Street has prepared a progress report detailing activities over the past 8½ years. He noted that the report is available to anyone who wishes to review it. He added that over the summer, they have also prepared a marketing assessment of activities in the Borough.

On September 5th, a strategic planning session will be held from 6 to 9 p.m. State government personnel will assist Main Street in updating their 5 year strategic plan. He invited Council to participate in this planning session.

Mr. Loth reminded everyone about the Fall Festival to be held on September 22nd, and asked them to visit the Main Street web site for details of the events. This Festival will be held in conjunction with RiverFest and Roctoberfest, and there will be shuttle buses available to transport participants to the various events.

As a final note, Mr. Loth told Council that "A Taste of West Reading" will be held on Saturday, November 3rd and invited everyone to attend.

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

ELM STREET MANAGER'S REPORT:

Mr. Rohrbach stated that Elm Street report had been included in Council's packets for their review and questions. **On motion duly made by Mr. Conrad, seconded by Mr. Morrill and passed, Council approved the Elm Street Manager's Report.**

REVENUES WITH COMPARISON TO BUDGET – ENDING 7/31/07:

Mr. Tindall stated that he found the problem regarding the truck purchase; on page 26 the expenditure should have come out of 3430-000 as a capital expense, which was the lease payment for the street sweeper. He said that was where the lease expenditure should have come from – the street sweeper has already been paid for but nothing has come out of that line item.

It was decided that approval for the Revenues with Comparison to Budget Report would be tabled until the figures have been corrected and presented at the next Council meeting.

PAYMENT APPROVAL REPORT - 8/1/07 TO 8/31/07:

On motion duly made by Mr. Morrill, seconded by Mr. Conrad and passed, Council approved the Payment Approval Report for 8/1/07 to 8/31/07.

PAYMENT APPROVAL REPORT DETAIL 7/18/07 – 8/31/07:

On motion duly made by Mr. Morrill, seconded by Mr. Doyle and passed, Council approved the Revenues Report for the period ending 8/31/07.

EXECUTIVE SESSION:

Council adjourned to Executive Session at 8:35 p.m. to discuss possible litigation and personnel.
Council reconvened at 10:15 p.m.

ADJOURNMENT:

On motion duly made by Mr. Hefty, seconded by Mr. Morrill and passed, Council adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Cathy Hoffman
Recording Secretary

Approved by George I. Tindall
Borough Manager/Secretary