

BOROUGH OF WEST READING – BOROUGH COUNCIL

JANUARY 17, 2006 – 7:00 P.M.

West Reading Borough Council held its regular monthly meeting at Borough Hall on the above date. Council President Stephanie J. Murray called the meeting to order with the following persons present: Council Members Kevin M. Conrad, Michael H. Doyle, Michael P. Ferenchick, Shane J. Keller, Nathalie R. Kulesa, and Michael W. Morrill; Mayor Kevin S. Barnhardt, Borough Manager George I. Tindall, Solicitor Socrates J. Georgeadis, Police Chief Edward C. Fabriziani, Fire Chief Mark D. Burkholder, Code Compliance Officer Jason S. Ganster, Borough Foreman James A. Beane, and Administrative Assistant Rosalie A. Loeper.

VISITORS: Karen & Jim Livingood - 211 Sycamore Rd
Pam Barnhardt - 324 Playground Dr
Deke Gurnavage - 157 Tulpehocken Ave
Phil Wert - 214 Olive St
Dale Heckman - ARRO
Sam Loth - Main Street Executive Director
Frank Struble - 226 Chestnut St
Amy Good-Ashman - 210 Chestnut St
Jennifer Auman - 215 Chestnut St
Carl & Dee (Delores) Gangemi - 140 Tulpehocken Ave
Rita Ditsky - 522 Penn Ave
Marsha Adelman - 518 Penn Ave
Ruth Cardell - 728 Reading Ave
Tony Roma - Lighthouse Christian Church
Sheila Scott - 322 Chestnut St
Elizabeth Heckler - 460 Chestnut St
Jay Kupiszewski - 228 South Third Ave
Rebecca Keller - 395 Oak Terrace
Tiffany & Brad Micale - 139 Tulpehocken Ave
Tony Tomczak - 323 Summit St
David Thomas - 147 Tulpehocken Ave & 449 Penn Ave
Stanley & Fay Goerner - 114 Tulpehocken Ave
Kelly Lonaberger - 133 Franklin St

INTERVIEWS FOR OPEN COUNCIL SEAT

Borough Council interviewed the following candidates for the vacant Council seat:

Deke Gurnavage
Philip Wert
Frank Struble
Shane Keller
Ruth Cardell

Council Member Michael H. Doyle motioned to appoint Deke Gurnavage to fill the vacant Council position, seconded by Council Member Nathalie R. Kulesa. The motion did not pass by a 2-4 vote. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferenchick, Council appointed Shane J. Keller to fill the vacant Council position by a 4-2 vote. At this time, Mayor Kevin S. Barnhardt swore in Mr. Keller as Borough Councilperson. President Stephanie J. Murray thanked everyone who applied for the position and mentioned that there are two vacant positions on other boards. One is on the Housing Review Board and the other is as an alternate for the Zoning Hearing Board.

PLEDGE OF ALLEGIANCE AND INVOCATION: Tony Roma from Lighthouse Christian Church gave the invocation, which was followed by the Pledge of Allegiance.

PUBLIC COMMENTS:

Deke Gurnavage - 157 Tulpehocken Ave - Mr. Gurnavage inquired about 511 Reading Avenue. Solicitor Socrates J. Georgeadis gave some history regarding crematoriums and stated that the Borough has the right to review the permit for a crematorium under its current Zoning Ordinance. The Borough could make amendments to the Zoning Ordinance, which would specifically provide that crematoriums are not allowed with funeral homes in the General Business District (GBD). If that is the case, the Borough must provide a zoning district where crematoriums are allowed. Mr. Georgeadis explained the procedure for changing the Zoning Ordinance. Council Member Michael W. Morrill explained that the Borough must provide an area where crematoriums are allowed and with only one square mile to work with, it could still be located near residences even if it is located in the Light Industrial District. The Solicitor concurred with this statement. Mr. Morrill stated that upon researching this subject matter, he found that mercury is one of the toxins that is released.

Stan Goerner - 114 Tulpehocken Ave - Mr. Goerner explained that he recently observed that a very huge propane tank was put in underground at 511 Reading Avenue. Upon investigating, Mr. Goerner noticed a building permit that was issued 8-13-05, which only stated that electrical work and air-conditioning work was going to be done. Mr. Goerner asked how this could be installed without someone first obtaining a building permit. Code Compliance Officer Jason S. Ganster stated that a permit was issued for the propane tank; however, no permit was issued for an incinerator, nor has the State received an application for the incinerator per Roger Fitterling at DEP on January 12. Council Member Nathalie R. Kulesa asked if the applicant was asked as to why they were installing a large propane tank on the property. Mr. Ganster replied that they said it could be a possible crematorium and noted that they pulled an electrical permit for six different meters for six different units in the building. Mr. Ganster will call Mr. Fitterling at DEP to ask about the tank and will inform Mr. Goerner as to his findings.

Mr. Morrill asked what other permits have been issued and Mr. Ganster replied electrical, walls, building, air conditioning units, and exterior building work. Mr. Morrill and Mr. Ganster discussed a letter sent to the Court House from a company in Florida regarding a crematory.

Dee Gangemi - 140 Tulpehocken Ave - Mrs. Gangemi lives 15' from the proposed crematorium. Mrs. Gangemi stated that the parking lot in front of 511 Reading Avenue is not owned by the owner of the building. Berkshire Village Apartments owns the parking lot in front of 511 Reading Avenue. Mrs. Gangemi asked where the people are going to park if this building is used as a funeral home. Just a few spaces are located at the rear of this property that can be used for parking. Mrs. Gangemi noted that one of the owners of this property is Robert Carson. Mr. Carson approached her husband on Thursday morning, offered to pave their driveway, offered to buy their house, and offered them free rent. All they had to do was pay the taxes on the property. Mr. and Mrs. Gangemi refused the offer. Mrs. Gangemi stated that lawmakers have been contacted about this situation. Mr. Carson told her they would park in the West Reading Shopping Center. Mrs. Gangemi asked Council how he could do that since it is a private lot. Mrs. Gangemi noted the Borough has to be more judicial in what is going on when someone applies for a permit. She suggested everyone should drive to the site (511 Reading Avenue) and see the whole situation. Mrs. Gangemi does not believe that people are going to want to purchase a townhouse if they know a crematory will be located nearby. Mrs. Gangemi expressed concern about its carcinogenic effect, its distastefulness, and what effect it will have on little children.

On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Kevin M. Conrad and passed, Council moved to hold a public meeting to reopen the zoning issue in the General Business District to allow funeral homes excluding crematoriums and allow funeral homes with crematoriums in the Light Industrial District. On motion duly made by Council Member Michael H. Doyle, seconded by Council Member Kevin M. Conrad and passed, a meeting date was scheduled for January 31, 2006 at 7:00 p.m. at the Fire Company. The Solicitor will advertise in the local newspaper.

Kim Skiles - 110 Tulpehocken Ave - Mrs. Skiles suggested the Borough inquire among the local municipalities what they have done in similar situations. Solicitor Socrates J. Georgeadis replied that this situation had come before the State's Commonwealth Court, which ruled that, a crematorium is an allowed accessory to a funeral home.

Jean Tucci - 215 Tulpehocken Ave - Mrs. Tucci asked if just that property (511 Reading Avenue) could be zoned differently to make it an exception. Mrs. Murray acknowledged her recommendation.

Rita Ditsky - 522 Penn Ave - Ms. Ditsky owns a business on Penn Avenue and discussed the lack of parking on Penn Avenue. Ms. Ditsky noted that no matter how great Penn Avenue may be, if people can't find parking spaces, they are not going to shop there.

Ms. Ditsky informed Council that someone wants to open a pizzeria at 502A Penn Avenue, which is fine. However, they plan to bring in armchair horse racing, which requires a small game of chance license, which are limited to non-profit organizations. A business cannot run it for a profit. Chief Edward Fabriziani stated they would have to first go through the County Treasurer's Office.

Nancy Campbell - Baldwin Brass - 623 Penn Ave - Mrs. Campbell applauded Borough Council for the time that each member puts forth for Council meetings and other required meetings. She asks that Council members be proactive about parking and other issues and not just put a band aid on them.

COUNCIL MINUTES: On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Michael W. Morrill and passed, Council approved the regular Council meeting minutes of December 20, 2005 and the Council Organization meeting minutes of January 3, 2006.

ENGINEER'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael W. Morrill and passed, Council accepted the Engineer's Report.

American Sewer Service, Inc. - Dale Heckman of ARRO presented Application No. 1 for period ending January 12, 2006. Mr. Heckman received two copies of DVDs of everything that was televised. ARRO approved payment to American Sewer Service, Inc. for \$20,180.14, which represents the gross amount due less a retainage of 5%. Motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael H. Doyle and passed, Council approved payment to American Sewer Service, Inc. for \$20,180.14. This work is eligible for a 50% reimbursement from the Joint Municipality of Wyomissing Valley. Once the final bills are in, Mr. Tindall will submit a letter to the Sewer Authority.

BOROUGH MANAGER'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Borough Manager's Report.

Paving Projects - 2006 - Borough Manager George I. Tindall discussed two alleys in the Borough that are in need of repair/replacement: (1) Alley between Oak Terrace and Spruce Street in the 400 block and (2) "T" type alley between Kline Street and Spruce Street in the 300 block. The Borough has about \$50,000.00 for this work. Specifications will be drawn up in conjunction with PennDOT.

Streetlights Penn Avenue - Mr. Tindall noted there are about eight streetlights out on Penn Avenue. The Borough has come to an agreement with the manufacturer of the streetlights. The manufacturer of the streetlights acknowledged that there is something defective in the units and will give the Borough ten new units, which the Borough crew will install. There is no charge to the Borough for these units.

Spring and Fall Cleanup - Mr. Tindall sought approval for the dates of spring and fall cleanup, which are the following: (1) Thursday, April 27 and (2) Thursday, September 21. On the weekends prior to each date, there will be a Borough-wide yard sale. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council approved these two cleanup dates.

Fieldhouse Heat - Mr. Tindall noted that the contractor and Borough crews are working diligently to get this job done. The existing oil tank has been emptied and the tank has been filled with foam. A closure report will follow.

Railroad Bridge - Mr. Tindall discussed the posting of clearance requirements on the railroad bridge that crosses Penn Avenue. Prior to the painting of the bridge, a height requirement had been posted. Mr. Tindall checked with PennDOT, who advised that they would re-survey it and post it accordingly at their expense.

Collection System Repair Reimbursement/Infiltration-Inflow Reduction Program - Mr. Tindall referred to a previous report under the Engineer's Report regarding reimbursement by the Joint Municipal Authority of Wyomissing Valley. This program began January 1, 2005 and ends December 31, 2007. The Borough's allocation over the three years is \$72,500.00. The Borough will be reimbursed \$1.00 for every \$2.00 spent for I/I (inflow/infiltration) reduction. All requests for reimbursement shall be reviewed and pre-approved by the Authority prior to starting a project.

SOLICITOR'S REPORT: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Nathalie R. Kulesa and passed, Council accepted the Solicitor's Report.

Ordinance No. 929 - Solicitor Socrates J. Georgeadis presented Ordinance No. 929, which increases the size of the Recreation Commission from a minimum of five members to a maximum of fifteen members to be appointed by Borough Council. It also establishes a quorum as the majority of the membership. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council adopted Ordinance No. 929.

Resolution No. 2006-1 - Mr. Georgeadis presented Resolution No. 2006-1, which establishes the size of the Commission to thirteen members. On motion duly made by Council Member Michael H. Doyle, seconded by Council Member

Kevin M. Conrad and passed, Council established a thirteen member Recreation Commission for 2006 and 2007.

Appointments to the Recreation Commission - The following people are recommended for appointment to the Recreation Commission: Council Member Nathalie R. Kulesa, Kurt W. Bertges, Regina Doyle, Alicia Miliauskas, Pamela Welch, Marcy Wilkes, Richard Wilkes, Tricia Schaeffer, Amy Good-Ashman, Jennifer Auman, Katie Macrina, Kim Moyer, and Jason Ganster. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council appointed the above names to the Recreation Commission.

Creation of Escrow Account - Solicitor Georgeadis asked Council approval to establish the creation of an escrow account for the Narrow Fabric Subdivision to assure the completion of municipal improvements. The total cost of municipal improvements is \$1,025,659.30. A 5% inspection fee is added on to this amount, as well as a 10% contingency fee, which brings the total amount of the escrow account to \$1,179,508.20. These documents have been prepared by the developer's engineer and approved by the Borough's engineer. The money will be given to the Borough in the form of an irrevocable letter of credit. The Borough will hold this letter of credit. If the developer does not put in the sidewalks, water, and other municipal improvements, the Borough can then draw upon the letter of credit and have the work done ourselves. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Kevin M. Conrad and passed, Council approved holding an escrow in the amount of \$1,179,508.20.

SAFETY COMMITTEE: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferenchick and passed, Council accepted the Safety Committee Report.

PERSONNEL COMMITTEE: Council Member Michael P. Ferenchick handed out the minutes of the Personnel Committee meeting of January 11, 2006. Council President Stephanie J. Murray assigned Council Member Shane J. Keller to the Personnel Committee to replace Council Member Nathalie R. Kulesa. After the executive session on motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferenchick and passed, Council accepted the Personnel Committee Report.

POLICE CHIEF'S REPORT: On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Police Chief's Report.

DARE Program - Police Chief Edward C. Fabriziani noted that he received information from the Pennsylvania Crime Commission and Delinquency that the Borough's 2005-2006 school year grant for the DARE program is approved at the

full amount of \$2262.00, which covers the officer's cost for salaries. There is no allotment this year for supplies.

Becky Nally - 308 Sycamore Road - Chief Fabriziani stated that Mrs. Nally wanted to purchase a bulletproof vest for Dolfo. Mrs. Nally wanted to buy something specific rather than just donating money. Since Dolfo already has a bulletproof vest, the Chief will suggest a cooling fan for \$230.00 for Dolfo's vehicle. Mrs. Nally is doing this in honor of her father and mother-in-law.

MAYOR'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Mayor's Report.

Garden Club and Centennial Committee Meetings - Mayor Barnhardt announced that the next meeting of the Garden Club is Thursday, February 9 at 6:00 p.m., which will be followed by the Centennial Committee meeting at 7:00 p.m. All are welcome to attend both meetings.

During 2006, the Centennial Committee will work on planning and fundraising activities for the parade. The Committee would like to have ten divisions in the parade, representing ten decades in the Borough and have participants representing each decade. The parade will take place on St. Patrick's Day 2007.

Elm Street Meeting - Mayor Barnhardt invited everyone to the Elm Street meeting on Thursday, January 19, 2006 at 7:00 p.m. at Westside Weekly located at Third Avenue and Franklin Street. It should be a very informative meeting about housing funding for the Elm Street district.

Bi-monthly Meeting Main Street Economic Development Committee - On Tuesday, January 24, 2006 at 7:30 a.m., the Committee will discuss issues such as encouraging more businesses on the Avenue and retaining those already there.

Ad-hoc Committee - Council President Stephanie J. Murray informed newly elected/appointed Council Members that meetings are held periodically with Dick Mable of The Reading Hospital & Medical Center to discuss different issues that impact the Hospital and the Borough. Mrs. Murray requested Council Members give its suggestions on topics that could be discussed with Mr. Mable to the Borough Manager.

FOREMAN'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Foreman's Report.

Sewer Problem 425 Museum Road - Foreman James A. Beane informed Council that the crew had been to 425 Museum Road several times. A decision was made to have the Borough's side of the lateral and main televised. The cost was

\$500.00. A major tree root problem in our side of the lateral was found where it enters the sewer main. The crew ran a 4-inch cutter in the lateral and 6-inch root saw in the sewer main while the camera was on site. The majority of the roots have been removed. Mr. Beane will check on prices to have a special root chemical placed in the pipes to help slow down the growth of the tree roots.

Mr. Beane pointed out that when the Borough reviews the 21 discs recently received on televising, we will probably discover other locations with similar situations. Borough Engineer Dale Heckman noted that the contractor cut out approximately 1,200 feet of root while he was televising.

Case 590 Super L Backhoe - Mr. Beane asked Council's permission to have 1000 hour full service work done on the Case 590 Super L Backhoe. The cost includes all oil and filter changes, replace the valve cover gaskets, adjust the valves, grease all fittings on the machine, and test for proper operation for a cost of \$1,200.00 to \$1,500.00. The work to be performed by Powerco, Allentown, PA. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferencick and passed, Council approved for the above service work to be completed on the Super L Backhoe at a cost not to exceed \$1,500.00.

MAIN STREET EXECUTIVE DIRECTOR'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Main Street Executive Director's Report.

Elm Street Program - Executive Director Sam Loth encouraged everyone to attend the meeting that the Mayor spoke about earlier in the evening. Mr. Loth explained there is a program sponsored by the state, which has \$3,000,000.00, leftover from last year from the Elm Street Year 1 Program. You may recall we were rejected last year when we applied for a planning grant of \$25,000.00 for the Year 1 Elm Street Program. The reason we got rejected was the state only allowed Weed and Seed Communities to have that designation. Of the 35 programs that were designated for Year 1 Planning, only seven now exist. Only two communities in the State of Pennsylvania were designated for Elm Street this year. They are West Reading and Pottsville. There are only nine programs in the entire state. The \$3,000,000.00 will be distributed to nine communities of which we are one of them. The program provides for the hiring of a marketing company to promote urban living in the Elm Street district, develop an Elm Street Information Center, create and install a gateway sign, create litter control programs, create summer internship programs, down payment assistance for first-time homeowners, rehabilitation for houses already owned by homeowners, as well as other programs.

Economic Development Report - Mr. Loth shared a lot of positive information from his Yearly Economic Development Report with Council. During January, the various "teams" under Main Street will meet to discuss goals and objectives for 2006, and the public is welcomed to attend these meetings.

CODE COMPLIANCE OFFICER'S REPORT: On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Michael W. Morrill and passed, Council accepted the Code Compliance Officer's Report.

Breakdown of Complaints - Code Compliance Officer Jason S. Ganster noted that his report includes a breakdown of complaints by zoning district and also a breakdown by owner occupied, rental, vacant, and commercial.

January 10, 2006 Zoning Hearing Board - The applicant for 223 Chestnut Street property asked for a continuance, which was granted. The new date is February 2, 2006 at 7:00 p.m.

January 11, 2006 Zoning Hearing Board - Mr. Ganster stated a letter was received regarding this and after whatever action Council determines, a hearing could be scheduled for Inner Circle. Note: See paragraph after Executive Session.

FIRE CHIEF'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Fire Chief's Report.

Apparatus - Fire Chief Mark D. Burkholder asked permission to schedule the inspection of all fire ladders at a cost of \$1,500.00, which is in his budget. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council approved the inspection of the fire ladders.

RECREATION: Council Member Nathalie R. Kulesa stated that she received a letter from the Albright Athletic Department that Ed Kuhn would be honored on February 11 for all of his work with the basketball league. This will take place during the double header basketball game between Albright and Susquehanna.

RESIGNATION - PLANNING COMMISSION: Council President Stephanie J. Murray read a letter of resignation from Michael P. Ferenchick from the Planning Commission, due to work obligations. On motion duly made by Council Member Nathalie R. Kulesa, seconded by Council Member Kevin M. Conrad, Council accepted the resignation of Mr. Ferenchick with regret.

APPOINTMENT - PLANNING COMMISSION: On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Michael W. Morrill and passed, Council appointed Philip Wert to the Planning Commission.

TREASURER'S STATEMENT OF OPERATIONS: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael P. Ferenchick and passed, Council accepted the Treasurer's Statement of Operations. Mayor Barnhardt inquired if there was a cash balance for the year and was asked to call the Treasurer for that answer.

ACCOUNTS PAYABLE: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Nathalie R. Kulesa and passed, Council approved the bills to be paid.

EXECUTIVE SESSION: Council President Stephanie J. Murray recessed the meeting for an executive session at 8:55 p.m. The meeting reconvened at 10:00 p.m.

416 READING AVE - Solicitor Georgeadis stated that Council discussed the zoning violations that exist at the Inner Circle, 416 Reading Avenue. On motion duly made by Council Member Michael H. Doyle, seconded by Council Member Kevin M. Conrad and passed, Council motioned to extend the R-2 Zoning District which allows low rise apartments to include 416 Reading Avenue known as the Inner Circle. This would be an ordinance amendment and requires a public hearing. Said date could be the same date as the public hearing for the crematorium, which is January 31, 2006 at 7:00 p.m. at the Fire Company.

ADJOURNMENT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael H. Doyle and passed, Council adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Rosalie Loeper
Recording Secretary

Approved by George I. Tindall
Borough Manager/Secretary