

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

**AUGUST 15, 2006 – 7:03 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, 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:** Amy Good-Ashman - 210 Chestnut St  
David & Lori Weidenhammer - 237 Chestnut St  
Elizabeth Heckler - 460 Chestnut St  
Pamela Barnhardt - 324 Playground Dr  
Brian Barnhardt - Oley, PA  
Daphne Klahr - 39 Philadelphia Ave, Shillington, PA  
Kelly Lonaberger - 133 Franklin St  
Donald Haines - 1563 Fulton St  
Darrin Youker - Reading Eagle  
Karen & Jim Livingood - 211 Sycamore Rd  
Representative Thomas R. Caltagirone - 2521 Hill Road, Reading, PA  
Rosalie M. Feick - 221 S. Fourth Ave  
Ronald Fisher - 311 Spruce St  
Phil Wert - 214 Olive St  
Jay Kupiszewski - 228 S. Third Ave  
Kim & Eileen Jones - 332 S. Third Ave  
Tom Kupiszewski - 381 Pine St #4  
Bonnie Lou Batdorf - 384 Oak Terrace  
Rebecca Keller - 395 Oak Terrace  
Matthew Bressler - 398 Oak Terrace  
Ron & Judy Schweitzer - 400 Oak Terrace  
Harry D. Grill - 422 Oak Terrace  
Sue & Jim Gilbert - 333 Sunset Rd  
Dale Miller - 387 Sunset Rd  
Patricia Stewart - 396 Sunset Rd  
Nancy L. Davis - 398 Sunset Rd  
Regina Doyle - 513 Sunset Rd

**PLEDGE OF ALLEGIANCE AND INVOCATION:** Mayor Kevin S. Barnhardt gave the invocation, which was followed by the Pledge of Allegiance.

REPRESENTATIVE THOMAS R. CALTAGIRONE: Representative Thomas Caltagirone presented Mayor Kevin S. Barnhardt with a Pennsylvania House Citation, which was read by Rep. Caltagirone. Mr. Barnhardt began his 24-year political career in 1982 when he was appointed to West Reading Borough Council to fill an unexpired term. Mr. Barnhardt held various positions on Council and chaired many activities through 1997. In 1998, he was elected Mayor and held that position through August 30, 2006. The Citation wishes the Mayor continued success and happiness in the future.

In response, Mayor Barnhardt advised that it was more of a privilege and honor to serve the residents, than it was a sacrifice. It was more of a sacrifice for his wife and his son than for him. Mr. Barnhardt began his career at the age of 23 and spent half of his life in public service without any regrets.

PUBLIC COMMENTS:

Regina Doyle - 513 Sunset Road - Mrs. Doyle referred to the forum that was held Monday evening, August 14 at Reading City Hall. At that meeting, Reading Mayor Tom McMahon asked city residents for ideas on how to reduce crime. More than 250 people showed up at City Hall to offer their suggestions. Following are some of the suggestions: (1) Strictly enforce the existing curfew, (2) Organize Crime Watches, (3) Better control of absentee landlords, (4) Have codes department cite more people for serious neighborhood problems, and (5) get tougher people to run City Hall. Many of these suggestions could also work in West Reading.

Mrs. Doyle's comments stem from a recent incident that occurred in her neighborhood, which is near the Borough pool. Some obnoxious teens were creating a disturbance in the area and a neighbor, who recently moved to the Borough, placed a 9-1-1 call. Mrs. Doyle would like to see a larger police presence, most especially around the recreation areas. Council President Stephanie J. Murray and Police Chief Edward C. Fabriziani are both working to keep the Borough safe. The Borough recently hired a full-time police officer and also a part-time police officer. Borough Council is willing to do what it takes, but unfortunately it will take more money to do so. Chief Fabriziani stated that the Police Department takes a pro-active stance every day and cited that this past weekend three curfew arrests were made. Chief Fabriziani praised Mrs. Doyle for attending the meeting and for speaking out to support the Police Department by being the "eyes" of the department. The Chief stated that people should get involved to help deter crime by sitting on their front porches, watching and calling the police if they see something suspicious.

Council Member Michael Morrill attended the forum at City Hall and stated it was "empowering" to see so many residents there who came with many constructive ideas, as well as some complaints. Mr. Morrill suggested that the Borough do something similar in the future.

Nancy Davis - 398 Sunset Road - Mrs. Davis stated that she has had several incidents occur, due to tree branches falling. One branch very badly cracked the windshield of her car. Another branch dented the roof of her car and a third branch came down on her patio. Her insurance company is not happy that these branches keep falling. Mrs. Davis is concerned that these branches may fall on a child or her dog. Borough Manager George I. Tindall stated that tonight Council will be asked for a vote to advertise for tree trimming throughout the Borough, which includes her tree. She would like to see the trimming done sooner rather than later. Mr. Morrill stated that the actual trimming would not be done until after the September Council meeting.

Bonnie Lou Batdorf - 384 Oak Terrace - Ms. Batdorf presented the ongoing problem with the resident at 385 Oak Terrace who does not maintain his yard. Ms. Batdorf reminded Council that at previous Council meetings, it was established that the Borough would have this yard cut every two weeks. Poison ivy, thistles, and creatures thrive in this environment. Solicitor Georgeadis advised Ms. Batdorf that she could bring a nuisance action against the neighbor if it is presenting a danger to her, or she can continue working with the Codes Department.

Ronald Shaffer - 423 Museum Road - Mr. Shaffer, a Borough resident and business owner with a property on Penn Avenue, expressed his thoughts on how great the Borough is and all the planning that went into the development of our community.

COUNCIL MINUTES: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Kevin M. Conrad and passed, Council approved the minutes of the Regular Council meeting held on July 18, 2006.

RESIGNATION OF MAYOR KEVIN S. BARNHARDT: With a very heavy heart, Council President Stephanie J. Murray read the letter of resignation from Mayor Kevin S. Barnhardt. The Mayor wrote that he is resigning effective 12 o'clock noon on Wednesday, August 30, 2006, and encouraged others to get involved and volunteer their time and energy. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael W. Morrill and passed, Council accepted the resignation of Mayor Kevin S. Barnhardt.

Mr. Morrill thanked the Mayor and stated that when he was thinking about being a Councilman, the one person he wanted to speak with to see if he wanted to be a councilperson, was Kevin Barnhardt. Not because of his tenure, but because he always had the Borough's best interest at heart.

Council President Stephanie J. Murray stated she called upon the Mayor many times to ask his advice and will miss him.

BOROUGH MANAGER'S REPORT: Borough Manager George I. Tindall stated that he appreciated the Mayor's candor during the interview process and appreciates all he has done. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferencick and passed, Council accepted the Borough Manager's Report. The following items were discussed:

PLANNING COMMISSION VACANCY - Ronald V. Shaffer, 423 Museum Road and Ronald D. Fisher, Sr., 311 Spruce Street would like to be appointed to the Planning Commission. Council interviewed each person during the meeting. Since the Borough has two good candidates, Mr. Morrill asked if there are any other committees one of the gentlemen could serve on. Mr. Loth replied that he could always use people for various committees on Main Street. Following discussion, on motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Shane J. Keller and passed, Council appointed Ronald D. Fisher, Sr. to the Planning Commission.

RESOLUTION NO. 2006-11 - Upgrade 175-watt, mercury vapor, cobrahead streetlight to a100-watt, high-pressure sodium vapor, cobrahead luminaire at 131 Chestnut Street within the Borough. On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Michael W. Morrill and passed, Council approved Resolution No. 2006-11 as outlined above.

RESOLUTION NO. 2006-12 - This resolution designates George I. Tindall, Borough Manager-Secretary as the designee agent for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council appointed George I. Tindall as the designee agent for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

RESOLUTION NO. 2006-13 - Designation of the National Incident Management System (NIMS) as the basis for all incident management in the Borough of West Reading. Approximately 95% of the employees have taken the course. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council adopted Resolution No. 2006-13.

2006 TREE TRIMMING PROJECT - Council was advised that there is approximately \$40,000 in 2006 Budget for tree trimming and was asked to review a proposed bid proposal for the tree trimming. Solicitor Georgeadis stated that based on the pictures presented by Mrs. Davis, 398 Sunset Road, the tree seems to be a hazard and suggested that this situation qualify as an emergency. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael H. Doyle and passed, Council approved for Borough Manager George Tindall to make three telephone calls to receive quotations for tree trimming. He is required to poll Council prior to awarding the bid. Due to the emergency nature

of the condition of many trees, he may spend up to the budgeted amount of \$40,000.

STATUS OF FLOOD DAMAGE - I met with insurance adjuster, Chester Perfetto Insurance and with FEMA. All the data was assembled and submitted.

RECREATION: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael H. Doyle and passed, Council approved the Recreation Coordinator Daphne E. Klahr's Report. The following items were discussed:

Thank You - Recreation Coordinator Daphne E. Klahr thanked the Mayor for cleaning up the litter around Borough parks.

Ms. Klahr gave special thanks too to the Police Department and to Mrs. Doyle for speaking up about the problem near the pool area. Ms. Klahr also mentioned that an eight-year old came forward to report graffiti at the pavilion, along with some ID information.

Concession Stand - Ms. Klahr reported that the concession stand is currently showing a profit of \$4,154.40.

Events - Ms. Klahr stated that the Borough finished the Festival of Arts, which was held at Holy Name High School, and thanked Foreman Jim Beane and the Public Works Department for all their help.

Kim Jones - Ms. Klahr also reported that Kim Jones filled in quite unexpectedly as head swim coach and as such her hourly rate should have been adjusted 25 cents an hour. She asked for Council approval to increase Kim Jones pay retroactively 25 cents an hour for hours worked as a swim coach. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael H. Doyle and passed, Council approved the 25 cents per hour pay increase.

ENGINEER'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Engineer's Report. The following items were discussed:

Belovich Group Town Homes - Release No. 3 - Project Manager for Great Valley Consultants, Michael H. Muffley, recommends the payment of Release No. 3 from the escrow account in the amount of \$87,501.78 to Belovich Group. Following discussion, on motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferencick and passed, Council approved the release of \$87,501.78 to Belovich Group for Release No. 3.

Cross Connection - Borough Engineer Darryl Jenkins reported about the emergency repair to the sewer line. R. M. Palmer Company did some investigative work with their pipe system and found the location of the cross

connection of the sanitary sewer line and the storm sewer line. The good news is that R. M. Palmer Company will take care of all necessary adjustments that need to be completed.

SOLICITOR'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Solicitor's Report. The following items were discussed:

Western Berks Refuse Authority - Borough Solicitor Socrates J. Georgeadis stated that the Western Berks Refuse Authority is in the process of selling its landfill to a company and will go to settlement next month. As part of the closing, the Boroughs of West Reading and Wyomissing and Spring Township are asked to submit a letter to the buyers stating (1) that the municipality is not entitled to any reduced rates for dumping at the facility, which we are not dumping and (2) that the Borough of West Reading does not require any license or other approval to authorize the sale of the facility. The Solicitor advised that the letter is acceptable as to legal form for each municipality to sign. There is an added benefit that under the asset sale agreement that was signed between the Authority and the Acquisition Company that the member municipalities would be held harmless from any liabilities at the landfill with two exceptions. (1) Any action by DEP, which no one can protect you from and (2) there is no protection from DID and HID violations. Council Members would like Western Berks Refuse Authority Borough Representative Gilbert Feeg to appear at September's Council meeting. Following discussion, on motion duly made by Council Member Michael W. Morrill, seconded by Council Member Michael H. Doyle and passed, 5-1, with Mr. Morrill voting "no", authorized the Borough Manager to issue a letter to the Western Berks Refuse Authority indicating the Borough's consent to the sale of the Authority.

Grease Trap Ordinance - The Solicitor reviewed an ordinance, which was prepared in part by Darryl Jenkins of Great Valley Consultants. Mr. Jenkins explained the nature of the ordinance, stating that he looked at model ordinances throughout the country to prepare it. The ordinance defines what businesses are covered under it and what is required of them. Solicitor Georgeadis asked for Council's permission to advertise the ordinance. On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, by a motion 4-2, with Messrs. Morrill and Doyle voting "no" Council approved the advertisement of the ordinance. Since Messrs. Morrill and Doyle did not have the opportunity to review the ordinance, they did not want to vote to advertise it sight unseen. Mr. Jenkins explained that at the July 26<sup>th</sup> Infrastructure meeting, he was instructed to prepare this ordinance, which took a certain amount of time to research and prepare.

Executive Session - The Solicitor requested an executive session to discuss a code violation that is pending in Berks County Court. He would like Code Compliance Officer Jason S. Ganster to sit in on the session.

Mayor - Borough Solicitor Socrates J. Georgeadis stated that the Mayor has always made the Borough proud and that he will miss him.

INFRASTRUCTURE COMMITTEE: On motion duly made by Council Member Michael P. Ferenchick, seconded by Council Member Shane J. Keller and passed, Council accepted the Infrastructure Committee minutes of July 12, 2006 and July 27, 2006.

TRAFFIC COMMITTEE: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Traffic Committee minutes of July 12, 2006 and July 27, 2006. The following items were discussed:

Earl H. Drumheller - 462 Chestnut Street - Police Chief Edward C. Fabrizio requested Council approval for a handicapped space across the street from Mr. Drumheller's house. It would be located at the first space by the fire hydrant near the school playground. On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Kevin M. Conrad and passed, Council approved the advertisement of the handicapped parking space across the street from 462 Chestnut Street.

Traffic Studies - Council Member Kevin M. Conrad asked for Council Members input regarding traffic studies that they would like to see performed.

SHADE TREE COMMISSION: On motion duly made by Council Member Shane J. Keller, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Shade Tree Commission minutes of July 20, 2006. The following item was discussed:

Replacement Trees - Borough Manager George I. Tindall discussed replacement trees within the Borough. Following discussion, on motion duly made by Council Member Michael H. Doyle, seconded by Council Member Michael W. Morrill and passed, Council approved to seek bids for street trees up to a cost of \$3,500.

PERSONNEL COMMITTEE: Council Member Michael P. Ferenchick stated he would prepare minutes for the two meetings, which were recently held.

POLICE CHIEF'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael P. Ferenchick and passed, Council accepted the Police Chief's Report. The following items were discussed:

Officer Thomas Hawn - Police Chief Edward C. Fabrizio stated that Officer Hawn is recuperating and would like to return to work. However, his physician has not released him. Chief Fabrizio thanked everybody that came and helped that day, especially Jim Beane and the witness who called 9-1-1.

Officer Ronald Ladd - Chief Fabriziani informed Council that last week while Officer Ladd was on a traffic incident, he sprained his ankle. He is technically off, since he was scheduled for a ten-day vacation. He will be re-evaluated by a physician when he returns. Hopefully, he will be able to return to work.

Mayor - Chief Fabriziani stated his thanks to Mayor Kevin S. Barnhardt for all that he has done for the Police Department, as well as for the Fire Department during the time that he (the Police Chief) was Fire Chief.

Karie J. Eckert - Chief Fabriziani asked for Council's vote to approve the hiring of Karie J. Eckert, effective July 27, 2006, as part-time police officer. On motion duly made by Council Member Shane J. Keller, seconded by Council Member Michael P. Ferenchick and passed, Council approved the hiring of Karie J. Eckert as part-time police officer.

MAYOR'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Michael W. Morrill and passed, Council accepted the Mayor's Report. The following items were discussed:

Thank You - Mayor Barnhardt reminisced about the time he first considered being on Borough Council and at that time Councilperson Barry Bohn told him meetings were one night a month. As Council President he thought he held the record for having one of the shortest Council meetings on record. However, he was outdone by Councilperson Jesse Bewley who chaired the meeting one month while Mr. Barnhardt was on vacation.

Mr. Barnhardt also reflected about his friend Polly Wagner and the People's Choice group, who tried to remove him from Council, which did not happen.

Mr. Barnhardt stated that he has performed at least 20 marriages with one more to be done.

He reminded everyone about how Main Street began with meetings with Bob Shuttlesworth, George Di Ilio, and Bob Basore in late 1996 with Partnership 2000 at the West Reading Diner, putting together an action plan which today is known as West Reading Main Street and the West Reading Farmers' Market.

He stated he is very proud of the efforts of the Mayor's Advisory Committee over the last six years where the Borough has reached the precipice of removing the Penn View, and he will be there when the wrecking ball comes in.

The Mayor stated he is very proud of the eleven Borough Police Officers who stopped by the Kuhn Funeral Home to pay their respects to Officer Wertz.

FARMERS' MARKET: Mrs. Rebecca Keller noted that the producers are very happy with the amount of customers who are purchasing items from them. Mrs. Keller's goal is



to add at least one new vendor a week. Penn Avenue merchants who have opened their stores are ecstatic about their increased sales. Mrs. Keller thanked the Mayor for pursuing the idea of the Farmers' Market, which is an asset to the Borough.

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. The following item was discussed:

Thank You - Foreman Jim Beane thanked the Mayor for his eyes, which are all over the Borough, and he appreciates his endeavors as a result of that.

MAIN STREET EXECUTIVE DIRECTOR'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council accepted the Main Street Executive Director's Report. The following items were discussed:

Thank You - Main Street Executive Director Sam Loth thanked the Mayor for being the catalyst for the Main Street Program and what we have achieved in this Borough in seven years' time is amazing.

PennDOT - Mr. Loth received a call from its PennDOT, Harrisburg, PA headquarters. They are having a meeting of its Planning Partners (all the Metropolitan Planning Organizations (MPO) across the State) and representatives from each of PennDOT's Districts will be invited. It will be held at the Inn at Reading in October, and he was invited to be the principal speaker on behalf of Main Street Penn Avenue Streetscape project.

Taste of West Reading - Mr. Loth advised that a fund-raising event has been set for Saturday, November 4, 2006 at 6:00 p.m. This gala dinner will be held on the Third Floor of the VF Outlet Designer Place building and your support is requested.

Elm Street Program - The Neighborhood Advisory Committee is conducting a focus session on Thursday evening, August 17, 2006 at 7:00 p.m. to discuss a marketing plan to help raise the profile of the Elm Street neighborhood to help sell more homes in the area. All are invited.

Stores open on Sunday - Due to the success of the Farmers' Market, 24 stores along Penn Avenue are open on Sundays and are achieving tremendous success.

CODE COMPLIANCE OFFICER'S REPORT: On motion duly made by Council Member Kevin M. Conrad, seconded by Council Member Shane J. Keller and passed, Council accepted the Code Compliance Officer's Report. The following items were discussed:

Zoning Hearing Board - Code Compliance Officer Jason S. Ganster reported that the next Zoning Hearing Board meeting is Monday, September 18, 2006 at 6:00 p.m. at Borough Hall. At this time, the Board will make a decision on the crematorium.

Exterior Inspections - Mr. Ganster reported on the status of the exterior inspections of the Code Department. As a result of those inspections, 75% are complete, 20% are not complete, and 5% have not started.

Complaint Issues - Mr. Ganster reported that in the southeast area of the Borough, there are a lot of rodent complaints (mostly skunks and groundhogs). Mr. Ganster will request the help of the Animal Rescue League to see if they can do anything to eliminate this situation.

Thank You - Mr. Ganster thanked the Mayor for being instrumental in the Borough's establishing a Codes Department ten years ago and also for informing him about Codes Department situations that required attention.

Ordinance Update - Mr. Ganster requested Council permission to meet with the Solicitor to take all Code Department ordinances that are in the Borough Code of Ordinance Book and place them in one Chapter, instead of many chapters as currently exists. On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Kevin M. Conrad and passed, Council approved this endeavor.

Noise on Penn Avenue - Mr. Ganster reported that the Noise Committee met and they are going to remove the clause in the ordinance that states "no live or mechanical music allowed" and insert instead a time specified period.

FIRE CHIEF'S REPORT: On motion duly made by Council Member Michael W. Morrill, seconded by Council Member Shane J. Keller and passed, Council accepted the Fire Chief's Report. The following items were discussed:

Thank You - Fire Chief Mark D. Burkholder read a letter honoring Mayor Kevin S. Barnhardt by making him an honorary life member of West Reading Fire Company #1.

TREASURER'S STATEMENT OF OPERATIONS: On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Kevin M. Conrad and passed, Council accepted the Treasurer's Statement of Operations.

ACCOUNTS PAYABLE: On motion duly made by Council Member Michael P. Ferencick, seconded by Council Member Shane J. Keller and passed, Council accepted the bills to be paid.

THANK YOU - Council Member Shane J. Keller reminisced about his relationship with Mayor Barnhardt personally and professionally and wished him happiness and success in his future endeavors.

HELICOPTERS - Regarding the helicopters that go to The Reading Hospital & Medical Center, Council Member Michael H. Doyle asked if the Borough has a flight approach and take off filed with the FFA. Mrs. Murray replied that the Borough has a copy of it. More information will be accumulated.

DAVID WEIDENHAMMER - 237 CHESTNUT STREET - Mr. Weidenhammer thanked the Mayor personally and as part of the Neighborhood Advisory Committee for all that he has done in this part of the Borough.

THANK YOU - Council Member Michael P. Ferenchick stated that the Mayor has been the driving force in getting new faces on Council and that he (Mr. Ferenchick) strives to be somebody who is looking for answers (like the Mayor), not just somebody trying to get re-elected.

POLLY WAGNER - Mrs. Wagner stated that she is so glad the Mayor and she made up! The Mayor teased Mrs. Wagner that she is allowed only one phone call per day. She teased back one call to him and one call to Pam.

EXECUTIVE SESSION: Council President Stephanie J. Murray called an executive session at 8:52 p.m. to discuss personnel and a code violation pending in Berks County Court. The meeting reconvened and adjourned at 10:20 p.m. on motion duly made by Council Member Michael W. Morrill, seconded by Council Member Kevin M. Conrad and passed.

Respectfully submitted,

Rosalie Loeper  
Recording Secretary

Approved by George I. Tindall  
Borough Manager/Secretary