

BOROUGH OF WEST READING – BOROUGH COUNCIL

April 21, 2015 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, April 21, 2015 with the following persons present: Council President Philip C. Wert; Vice President Carl G. Garman; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, Grace M. Craze, Christopher C. Lincoln, Suzanne Thompson; 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.

VISITORS:	Ruth Cardell	Temple
	Terry Siggins	Resident
	Karen & Jim Livingood	Residents
	Robin Horman	Resident
	Clair Edwards	Business Owner
	Amber Rambo	Resident
	Jennifer Capone-Brown	Resident
	Reporter	Reading Eagle

1. **CALL TO ORDER:** Council President Philip C. Wert called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.

2. **PUBLIC COMMENT:**

Robin Horman congratulated Dean Rohrbach for the Earth Day events held on April 18th and thanked Third and Spruce Café for providing the food.

Amber Rambo commented about the lack of parking at Borough Hall on election day last November and noted that she had been ticketed on Chestnut Street because it was street sweeping day. Mr. Wert said they would take the necessary measures to ensure that adequate parking can be found.

3. **SPECIAL EVENT REQUEST – JENNIFER CAPONE-BROWN:**

Jennifer Capone-Brown requested permission to hold the 2nd Annual Fashionista 5K on September 6, 2015 and said that the route would remain the same as last year. She also noted that it would be a smaller event because there would not be any additional festivities at the park this year. It was noted that there are costs associated with events of this type and Ms. Brown indicated that they had hoped to have volunteers to help with the street closures, etc. Mr. Sichler and Chief Powell will determine what the costs would be to have the necessary personnel on duty and will contact Ms. Brown with the information.

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the 5k run on September subject to the costs associated with the event. **Motion carried.**

4. **719 PENN AVENUE – THE BARLEY MOW REQUEST:**

Clair Edwards requested permission to create a beer garden for the upcoming Art on the Avenue event and said that the space required for the beer garden would be the width of two parking spaces and extend to the first yellow line of the roadway. She noted that their application with the Liquor Control Board is pending approval from Borough Council. Much discussion ensued regarding the location, and about issues with past events. Chief Burkholder noted that it is imperative that a 20' aisle in the center of the road be kept clear of everything (including tables and chairs) in order to accommodate emergency vehicles. There was much discussion about the importance of leaving enough space for emergency

vehicles and ensuring that those participating in the event do not extend their allocated space into the required 20' center aisle.

Moved by Ms. Craze and seconded by Mr. Lincoln to authorize Mr. Sichler to write the letter permitting the Barley Mow to have a beer garden during the Art on the Avenue event based on the 20' center lane restriction. **Motion carried.**

5. **APPROVAL OF COUNCIL MINUTES:**

Mayor Rodriguez stated that in the minutes of the 17th, a statement on page 2 Paragraph (c) referred to a Main Street designation when it should have been stated by Mr. Rohrbach as "DCED Keystone Communities" designation. **Moved** by Mr. Lincoln and seconded by Ms. Thompson to approve the minutes of the March 17th and 24th with the suggested clarification. **Motion carried.**

6. **COMMITTEE APPOINTMENTS:**

A list of the Committees of Council was distributed to all Council members by email. The committees were reviewed and the following changes were made:

Mayor's Advisory Committee – The Committee meets every month, and the Solicitor and Code Department officials are invited to attend on an as needed basis. Ms. Craze volunteered to fill the vacant position that occurred when Mr. Gallen resigned from Council.

Hospital Committee – This committee meets on an as needed basis, and Ms. Thompson volunteered to take the vacant seat.

Finance Committee – This committee has not met for quite some time and was formerly chaired by Mr. Gallen. Mr. Wert indicated that he would like to see this committee take on a more significant role by meeting regularly and reviewing the expenditures on a monthly basis. Mr. Sichler said that in the past, the Finance Committee was responsible for drafting a budget and reviewing it throughout the year. It has never been officially defined as to its role and composition, and Mr. Wert said he would like to see it be defined in specific terms rather than remaining an ad hoc committee. Mrs. Kulesa volunteered to sit on the committee and it was decided that the committee would meet to look at some defining language that Mrs. Hoffman will provide.

Traffic and Infrastructure Committee – Mayor Rodriguez volunteered to take Mr. Gallen's place on the Infrastructure Committee, and it was noted that the Borough Engineer and Code Enforcement Officer would attend as needed. Mr. Lincoln will be added to Infrastructure as a fifth member and to the Traffic Committee as well.

Protection of Persons & Property – It was noted that this Committee deals with police matters predominantly, however the Committee needs to be better defined. Mr. Livingood said that when he was on Council, he sat on that Committee, which met monthly to discuss police/safety issues and was comprised of the Police Chief, the Mayor and himself. They met with other department heads on an as needed basis.

Personnel Committee – Ms. Craze volunteered to take Mr. Gallen's place on the Committee.

7. **ORDINANCES / RESOLUTIONS TO BE ADOPTED:**

- a. **Ordinance 1044 – Parking Amendments** – The ordinance reflects the repealing of 12 handicapped parking spaces, and the change in location for one space on South Fifth Avenue as well as the parking restriction in various areas for street sweeping. **Moved** by Mr. Garman and seconded by Ms. Craze to approve Ordinance 1044. **Motion carried.**
- b. **Ordinance 1045 – DROP** – The ordinance was advertised and is ready to be voted on. **Moved** by Mr. Garman and seconded by Mr. Lincoln to approve Ordinance 1045. **Motion carried.**

UNFINISHED BUSINESS:

- a. **Belovich Development** – Mr. Becker reported that there is a new engineer representing Fulton Bank and Mr. Unger has already brought him up to date with the project. The bank still intends to proceed with the necessary work, and Mr. Unger will contact them to get an idea of when the work will be scheduled.
- b. **Abandoned Properties** – Mr. Sichler indicated that he had made a quick visual re-inspection of the three abandoned properties from the outside and everything appears to be intact. He said he will continue to do this on a regular basis. The last bill for the work has been received therefore everything will be submitted to the solicitor so that a lien can be filed for each property. Mr. Becker also noted that County redevelopment is very interested in working with the Borough through their new Blighted Property Review Committee, however it is not a quick process and could take several months to get through it.
- c. **WRCRF Cooperation Agreement** – Mr. Sichler stated that the proposed changes to the agreement that were discussed at the last Council meeting were integrated into a revised red-line draft copy, which was distributed to Council in their packets. He then reviewed those changes:
 - Page 2, Sections 4 and 5 – the language was changed to more clearly define the membership of the CRF, per Council's request, ie. a resident of the Borough that is not involved in a Borough business .
 - Page 6 – deleted all language pertaining to the solicitor.
 - Page 6, Section (h) – the requirement to raise at least \$20,000 in unrestricted funds was changed to require each program manager to raise \$10,000 in unrestricted funds.

Much discussion ensued regarding fundraising – there was a concern that this may be difficult to do for the program managers, particularly if it is unrestricted. Mr. Sichler referred to "Exhibit A" which delineates all funds, including where the unrestricted funds are needed. He noted that the Borough covers one line item – the Elm Street Manager's salary. The total amount needed to operate is \$110,620. Council then reviewed the line items to determine which, if any, they wished not to fund and discussed the board's responsibility. Ms. Thompson noted that the language states "in order to foster a fund raising ethic among the Foundation Board" and Mr. Sichler suggested that it be revised to state "in order to foster a fund raising ethic among the Foundation program managers to raise a minimum of \$20,000 in unrestricted operating funds on or before November 30th, 2015 with the Board members being responsible for the balance required for the operation of the Foundation". There was some confusion about what had been discussed at the last meeting and if Council had seen the proposed changes that the CRF had approved at their meeting with a 5-3 vote.

The language concerning the solicitor was discussed again and it was decided that the Borough would not fund legal services for the Foundation, which is line item 400.314 at which point Ms. Thompson asked if the \$10,000 for legal fees should be deducted from the bottom line, which would make the Borough's contribution to the Foundation \$42,000 instead of \$52,000. She then went on to speak about some of the discussions at the last CRF meeting.

Dates for enactment were then discussed; the funding being retroactive to January 1st, and the effective date for the agreement being either June 1st or June 30th. In-kind services were also discussed. Two vacancies would have to be advertised as a result of the new agreement which would be designated as 'resident' members. 30 days would have to be given in order to fill the vacancies, so it was hoped that everything could be settled by June 1st. It was noted that Mr. Sichler will determine the value of the in-kind services and add it to the document, which will become a permanent portion of the agreement; the other financial documentation would change on an annual basis.

Discussion ensued regarding the qualifications section of the existing CRF by-laws. It was noted that a change in qualification, such as a transition from a business member to a resident member, would require the individual to be 'qualified' before Council. This would also be required when member terms expire or there is a change in their situation. Article 3 of the By-laws, under qualifications, states that "after all qualifications are met for the CRF board, the judgement of the Borough Council shall be final and conclusive".

Mr. Garman said that this stipulation is necessary to ensure that a vacancy is dealt with in an open and democratic process - that anyone in the Borough who fits the qualifications has the opportunity to submit a letter of intent and that it will be advertised on the Borough website, the CRF website and in the newspaper and remain open for 30 days. In the past, those ads have not been posted, letters of intent have not been received and the vacancy has not been left open for 30 days. The importance of this is for the future, when the current Council is gone, to ensure that the democratic process is being followed.

Mr. Garman said that there are two more items that he would like to have addressed: 1) the final numbers for the PARR 2 project and 2) the business practice of CRF board member of using a personal credit card for purchases that are then reimbursed. He noted that it may not be an issue with current board members however it needs to be safeguarded for the future. Mr. Rohrbach explained how the purchases are made for the PARR project as well as for special events. He also provided Council with an accounts payable report and noted that they will now receive this report on a monthly basis. Much discussion ensued regarding the purchasing process as well as financial reporting. Mr. Garman asked Mr. Rohrbach to email him the final numbers for the PARR 1 and 2 projects.

Ms. Thompson spoke about an issue that was raised concerning Board members volunteering and making purchases for the PARR projects and how it might be construed as a conflict of interest. Discussion ensued and it was noted that by a board member acting as general contractor, significant funds are saved and no bond is necessary. It was felt by some that there are sufficient checks and balances in place to alleviate any potential conflicts. Auditing and accounting practices were discussed and it was noted that small organizations have ongoing issues with segregation of duties.

Moved by Ms. Thompson and seconded by Mr. Garman to accept the cooperation agreement with the proviso that the two vacant resident seats be advertised immediately and filled by June 1st, and that Council at this point will provide funds in the amount of \$42,000 since they will no longer will be responsible for legal fees.

In favor of the motion: Mr. Garman, Mrs. Heckler, Ms. Thompson, Mrs. Kulesa

Against the motion: Ms. Craze, Mr. Lincoln, Mr. Wert

Motion carried.

- d. **Recycling Grant** – Mr. Sichler noted that Council had received a copy of the grant agreement in their packets for approval. He added that the total amount of equipment to be purchased is \$115,874 with DEP paying \$104,286, therefore the funds to be paid from the Borough is \$11,588. The Borough must also spend 50% of those funds within the first six months. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to authorize Mr. Sichler to enter into the contract and execute the agreement. **Motion carried.**

9. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Becker said that he had nothing further but did request an Executive Session.
- b. **Engineer/Code Enforcement Report** – Mr. Unger reported the following:
- The retaining wall project is going fairly well and is on schedule.
 - The Olive Street Pumping Station project will begin on June 7th.
 - PennDOT has confirmed that the Parkview Road Bridge does not have to be brought up to today's load standards however the deficiencies that must be repaired are the steel and gutter system. The decking that was more recently repaired will have a weight restriction. Also PennDOT has confirmed that Liquid Fuels funds are earmarked for the bridge project and that the engineering costs are eligible for reimbursement as a result of the opening of a new project number. A meeting will soon be held with PennDOT to determine the scope of work. Some discussion ensued and it was noted that the bridge could also be removed with those funds.
 - Mr. Garman had some concerns about the staffing of the Codes Department and Mr. Unger explained the number of hours that are being worked and noted that he is not aware of any complaints or issues. Mr. Garman felt that there may not be adequate coverage for all of the work that needs to be completed in the Borough. Mayor Rodriguez noted that visibility is an issue therefore it was suggested that magnetic signs be placed on their vehicles.
 - Other projects in the Borough include: Oak Terrace - water line replacement and paving; Chestnut Street paving – from 5th to 6th and on Wayne from 6th to Lakeview; Franklin Street paving – a 6' to 8' wide section on the north and south side of the street at the east side of S 7th. Some discussion ensued about the importance of these items being discussed at the Infrastructure meetings which hasn't really happened since Mr. Conrad left Council. A proactive stance needs to be taken with regard to long term planning of infrastructure issues. Mr. Livingood suggested that 5 and 10 year plans need to be created by each department as was done in the past.
 - The grease trap letters went out last week to commercial businesses and Codes will be following up with the scheduling of inspections.

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

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

- a. **2014 Audit Report** – Mr. Sichler said that the Audit Report was distributed to Council and noted that the only finding this year was the segregation of duties in the Codes Department. The only way to alleviate this is to remove the ability to void any invoice that have been issued. This change should remove that comment from future audit reports.

- b. **Parking Study** – Mr. Wert spoke about the Walker Parking Study and asked Council to review it carefully. No action is required at this time, however a follow up meeting has been requested with Mayor Rodriguez and Mr. Wert. It was noted that less than 50% of the available parking in the Borough is actually being used and it was suggested that directional signs be used to indicate the location of other available parking.

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

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

Mayor Rodriguez provided a list of the various Council, WRCRF and Codes Department meetings he had attended. He noted that there is a company that is possibly interested in pursuing the abandoned properties in the Borough. More discussion will be held at the next Codes Department meeting, with the possibility of meeting with the company representative to see what they have to offer.

Mayor Rodriguez also spoke about:

- Earth Day events were held on April 18th. He thanked everyone that participated in the event and noted that all of their work really does show.
- Armed Forces Day Parade will be held on May 16th at 10:00 a.m.
- The Bike to Work Week ride will be held on Friday, May 15th.
- The Reading Health System has requested a road restriction from April 28th until June 28th and will require the southbound lane of S. 7th Avenue to be closed from Spruce Street to Parkside Drive North. Mayor Rodriguez has notified all departments of the restriction which has been approved.

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

12. **DEPARTMENT REPORTS:**

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

- A handicapped parking space is no longer needed on the 200 block of S. 2nd Avenue.
- A handicapped parking space has been requested for the 200 block of S. 6th Avenue. There currently is a commercial handicapped space at the other end of the block and because there is no parking on the east side of the block, the space would have to be located on the west side which would be directly in front of his home.
- 15 radios have been reprogrammed to the Borough frequency and some have been distributed to Crime Watch as well as the Borough Crew.
- An Executive Session was requested.

Only one bid was received for the camera project. Mr. Sichler explained that the formulation for the specifications was very precise this time, as a result of the issues that occurred during the last camera bids. The people who helped formulate the bid specifications also bid on the project, which was the only bid received. It was advertised per the Borough Code and a pre-bid meeting was held. There were several options as part of the bid:

- 1) The base bid which includes cameras on Penn Avenue at 4th, 5th and 6th Avenues, was \$98,458.
- 2) The second component adds a camera at 3rd and Penn for \$14,717.
- 3) The third component adds a camera at 7th and Penn for \$11,583.

Also included is a fiber optic cable from 5th & Penn back to Borough Hall that would be owned by the Borough. This will alleviate any rental fees or additional costs and will allow a viewing station in the Police Department with network video recording ability.

The total for all options is \$124,758 and of that amount, \$113,000 has been secured so far from the DA's office, Borough funds and private funding through Elm Street. It was noted that the camera at 5th will be a pan, tilt and zoom camera while the others will be fixed. It was also noted that the company that bid is local, maintains the hospital's video system and is well recommended. Their bid will also cover maintenance for two years and at that point the Borough will have to obtain a service contract. Much discussion ensued with regard to the bid specifications, funding, and the list of their current clients. It was noted that there are funds available in some police line items that would make up the shortfall. It was also suggested that for future consideration, camera issues should be discussed with the Protection of Persons and Property Committee. Mr. Garman will add it to his list of topics for the Committee.

Moved by Ms. Craze and seconded by Mrs. Kulesa to accept the bid for the entire camera project, including options one and two, and to award the contract to Berkshire Systems Group, Inc. in an amount not to exceed \$124,758. **Motion carried.**

The handicapped parking issue was discussed and it was noted that in the past, a policy was put in place that restricted the advertisement of handicapped ordinances to twice per year, therefore it was **Moved** by Mrs. Kulesa and seconded by Ms. Craze to restrict the advertising of the handicapped parking ordinance revisions to April and October each year. **Motion carried.**

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve the advertising of handicapped parking space on S. 6th Avenue at the corner of Wayne Avenue. **Motion carried.**

Moved by Mr. Lincoln and seconded by Ms. Thompson to approve the Police Department Report. **Motion carried.**

- b. **Public Works** – Mr. Murray said that he had budgeted for an attachment for the milling machine at an amount of \$17,500., however the actual cost was less at \$16,600. With the trade in of the old milling machine (\$2500) and the unused backhoe attachment (\$2500), the cost becomes \$11,600. There are two auger attachments (12" and 18") for the skid loader that will be of huge benefit to the department for post installation and tree planting at a total cost of \$3,710. **Moved** by Mrs. Heckler and seconded by Ms. Thompson to approve the expenditure, not to exceed \$15,310.55, to purchase the skid loader attachments and milling machine and auger attachments as well as trading in the two older pieces. **Motion carried.** It was noted that this is a COSTARS purchase.

Moved by Mr. Garman and seconded by Ms. Craze to approve the hiring of three part time summer employees beginning after Memorial Day: Daniel Weaver at \$8.25/hour, Nathan Hertzog at \$7.75/hour, and Jeremy Bell at \$7.25/hr. **Motion carried.**

Curb painting was discussed and Mr. Murray said that they will be using work release workers to do the painting. He noted that a better paint product has been sourced that works more effectively and they will be using it this summer.

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

- c. **Fire Department** – In addition to his written report, Chief Burkholder requested that Council affirm the appointment of Jason Witman to the position of Captain for the remainder of the year. **Moved** by Mr. Garman and seconded by Mrs. Kulesa to affirm the appointment of Jason Witman to the position of Captain. **Motion carried.**

Chief Burkholder also said he had the latest ISO report to distribute to Council however he forgot to print them. Mr. Sichler said he would put them in Council's mailboxes.

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

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

Elm Street and Main Street Manager' Report – Mr. Rohrbach spoke about the Earth Day events and noted the following:

- 37 people participated for a total of 223 hours of work being completed. He thanked Mrs. Heckler, Mr. Wert, Ms. Thompson, Mr. Lincoln and Mayor Rodriguez for their participation.
- 42 bags of trash was collected from the cloverleaf, the fishing dock and the off ramps along with tires and mattresses.
- 13 cu yards of compost and 8 cu yards of mulch were moved into the garden beds and street containers.
- There are several garden beds remaining to be rented.

Ms. Kelley reported the following:

- Bob Folwell, Trails Project Manager from the Schuylkill River Heritage Area attended the CRF meeting to discuss joining the Schuylkill River Heritage Area.
- Several people are looking at renting spaces on the Avenue.
- Gave a status report regarding some of the vacant spaces on the Avenue.
- More information will be forthcoming after the Strategic Planning Retreat.

Moved by Ms. Thompson and seconded by Ms. Craze approve the Elm Street and Main Street Manager's Report. **Motion carried.**

13. **COMMITTEE/COMMISSION REPORTS:**

- a. **Recreation Commission** – Mrs. Moyer spoke about the following:

- Her Manager's Report which details all of work she has been involved with over the last month which was distributed in the Council packets along with the minutes from the last Recreation Commission meeting.
- Council received a copy of the Recreation Guide that she has prepared. Council was asked to review it for any changes or errors. She said she hoped to have it to the printer by April 24th to ensure that they will be available to distribute by pool season. Ms. Thompson commented that the guide was well done and thought it was a good size for residents to keep on hand for future use. In future, Mrs. Moyer said it will be ready for distribution in January for the coming year.
- On May 1st the Father Dance will be held at the Fire Company and will be a western theme this year. Mrs. Moyer invited Council to stop by and check it out if they wished to see how an event is run.

Moved by Mrs. Heckler and seconded by Mrs. Kulesa to approve the printing of the 2015 Recreation Guide at no cost to the Borough. **Motion carried.**

Moved by Mr. Lincoln and seconded by Mr. Garman to approve the Recreation Commission Report. **Motion carried.**

- b. **Planning Commission** – Mr. Wert reported that the Commission is still working on the SALDO update and that a draft should be ready for the May meeting. He also noted that he and Mr. Lincoln had met with Mr. Unger to discuss Chapter IV which concerns Buildings and Structures which is a weighty subject matter. Mr. Unger will be supplying some direction concerning necessary changes.

Moved by Ms. Craze and seconded by Mr. Garman approve the Planning Commission report. **Motion carried.**

- c. **Safety Committee** – There were no questions concerning the minutes.

Moved by Mr. Lincoln and seconded by Mrs. Heckler to approve the Safety Committee minutes. **Motion carried.**

- d. **Economic Development Committee** – There was a quorum at the last meeting, however the minutes had not yet been prepared. Mr. Wert said that blighted properties had been discussed and that it was recommended that 425 Chestnut Street be moved into Act 90 and 417 Franklin into the Conservatorship Program. There was some discussion however it was decided to table it for now.

14. **TREASURER'S REPORT:**

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

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Revenues with Comparison to Budget Report for the three months ending 3/30/2015. **Motion carried.**

- b. **Payment Approval Report:**

Moved by Ms. Craze and seconded by Mrs. Kulesa to approve Payment Approval Report for 3/18/2015 - 4/15/2015 and 4/16/2015 – 4/21/2015. **Motion carried.**

15. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 10:41 p.m. to discuss potential litigation and personnel. When the meeting reconvened at 11:59 p.m., no action was taken.

16. **PUBLIC COMMENT:**

There was no public comment.

17. **ADJOURNMENT:**

Moved by Mrs. Heckler and seconded by Ms. Craze to adjourn the meeting at 12:00 a.m. **Motion carried.**

Respectfully submitted,
Cathy Hoffman
Administrative Assistant