

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

July 21, 2020 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, July 21, 2020 with the following persons present: Council President Jack Gombach; Council Vice President Philip Wert; Council Pro-Tem Christopher Lincoln; Council Members Jennifer Bressler, Patrick Kaag and Samantha Kaag; Mayor Andrew Kearney; Solicitor Daniel Becker; Police Chief Stephen Powell; Borough Manager Nicholas Imbesi; Public Works Director Dean Murray; Fire Chief Chad Moyer; Recreation Director Helen Moyer; Treasurer Jeanette Rentschler; Code Department Manager Cathy Hoffman; Engineer Tom Unger; Main Street Manager Mark Ratcliffe; and Borough Secretary Cynthia Madeira.

VISITORS: (In attendance via Zoom Meeting)

Karen Livingood
Sarah Schwenk

Aaron Andrews
Mark Burkholder

1. **CALL TO ORDER:** Council President Jack Gombach called the meeting to order at 7:05 p.m. via Zoom, which was followed by the Pledge of Allegiance and Roll Call. Mr. Gombach requested a moment of silence to remember those lost to the COVID-19 virus.
2. **CABLE FRANCHISE RENEWAL HEARING:** Mr. Imbesi provided the following overview of the purpose of the hearing and opened the floor to citizen comments:

This is a public hearing regarding cable franchise renewal for West Reading Borough. The hearing is held pursuant to Section 626 of the federal Cable Act, which sets forth the process for franchise renewal. Our current franchise agreement with Comcast is expiring soon and we have begun the process of negotiating a new franchise agreement. This public hearing is an important part of franchise negotiations, in which the Borough seeks public comment on Comcast's past performance and our community's future cable-related community needs.

The purpose of this public hearing is to hear from citizens regarding the following:

1. The past performance of the cable operator; and
2. The Borough's future cable-related needs.

Franchise renewal is the best opportunity for municipalities to assert their rights with respect to their cable operator and to obtain important benefits in return for granting the cable operator the right to use its public rights-of-way. These benefits include, but are not limited to, the following:

1. Strong and enforceable customer service standards;
2. A state-of-the-art cable system;
3. Protections of the public rights-of-way;
4. Franchise fees for the cable operator's use of the public rights-of-way and improved franchise fee accountability;
5. Reporting requirements on the cable operator;
6. Legal protections for the Borough; and
7. Better mechanisms to enforce the franchise agreement.

These are just some of the potential benefits available through franchise renewal. Citizens may address these items or any other cable-related items that are important to them.

Aaron Andrews of 726 Wayne Avenue commented that Comcast service, including areas of wi-fi signal around the Borough are good and exceed that of Service Electric.

There were no further citizen comments, therefore, Mr. Imbesi closed the public hearing.

3. **PUBLIC COMMENT:**

Sarah Schwenk expressed concern of a nearby rental property with regards to overcrowding, noise and an excessive number of vehicles utilizing a limited number of parking spaces within her neighborhood. Mr. Imbesi indicated that an annual updated tenant listing is required to be submitted to the Borough by the end of the month for all rental properties and if there is an overcrowding issue the Code Department would address this aspect. Chief Powell indicated that if a vehicle is street legal and parked without violating regulations a citation cannot be issued. Also, there are no regulations pertaining to the number of vehicles allowed per household. Ms. Schwenk was encouraged to reach out to either the Administration or Police Department to share her concerns as they arise.

4. **APPROVAL OF COUNCIL MINUTES:** Motion to approve the June 16, 2020 Council meeting minutes. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 6-0.**

5. **ORDINANCES / RESOLUTIONS:**

- a. **Resolution 2020-13 Emergency Operations Plan** – Mr. Imbesi reviewed the updated plan provided by West Side Emergency Management Agency, which addresses some of the concerns experienced earlier this year and is comfortable approving the emergency operations plan.

Motion to approve Resolution 2020-13 Emergency Operations Plan of the West Side Regional Emergency Management Agency. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

- b. **Resolution 2020-14 Extension of Local Disaster Emergency** – This Resolution would extend the declaration expiration date to the August Council meeting, allowing the ability to apply for emergency disaster funding.

Motion to approve Resolution 2020-14 Extension of Local Disaster Emergency through August 18, 2020. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- c. **Ordinance – Certificate of Use and Occupancy** – Mr. Becker provided an overview of his comments on the proposed amendment and found it to be consistent with the Pennsylvania Municipal Code and Ordinance Compliance Act 133 of 201 with a few minor changes. A red-lined copy will be forwarded to Administration for review prior to advertising the amendment. It was noted that the Code Department has been following the state regulations that provides consistency between municipalities within the state, offering more flexibility during the transfer of property ownership.

Motion to authorize advertisement of an ordinance amendment to Chapter 180 Certificate of Use and Occupancy contingent upon a favorable Administration review of the red-lined changes. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 6-0.**

- d. **Ordinance – Fireworks Use Amendment** – Mr. Becker noted in 2017 the state changed the fireworks law allowing the sale of display, consumer and novelty fireworks to the public to generate tax revenue, and that this law has become problematic across the state. The original Fireworks Use Ordinance was enacted without a penalty section, this amendment would provide a penalty section that was recommended to list the maximum state law summary offense penalty of \$100. Mr. Becker indicated that the state fireworks law allows the Borough to permit and access fees for display type fireworks used within the Borough. It was noted that the majority of fireworks used within the Borough are consumer fireworks.

Motion to authorize advertisement of a Fireworks Use ordinance amendment to include a penalty section consistent with the state law maximum penalty of \$100. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 6-0.**

- e. **Ordinance – Pennsylvania Municipal Retirement System (PMRS) Non-Uniform Pension Plan Amendment** – Mrs. Rentschler provided an overview of the proposed amendment that is required by the Internal Revenue Service on a five-year basis. This amendment would define the term “full-time” as forty-hours and name our union members as “Local 429”.

Motion to authorize advertisement of the PMRS Non-Uniform Pension Plan ordinance amendment. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 6-0.**

6. **CONSULTANT’S REPORT:**

- a. **Solicitor’s Report** – Mr. Becker stated that he had nothing to report other than items that are covered elsewhere on the agenda.
- b. **Engineer’s Report** – Mr. Unger referred to his report and noted that there were no action items this month.

Motion to accept the Engineer’s report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

7. **EXECUTIVE SESSION:** Mr. Gombach reported that an executive session was held at 6:30 p.m. this evening to discuss real estate and personnel matters.

8. **COUNCIL PRESIDENT’S REPORT:** Mr. Gombach shared highlights of a quality of life discussion to promote integration of data from various departments for the purpose of planning, operations and enforcement within the Borough. Items being researched include best practices, welcome wagon, and block captain programs to be more proactive and engaging with residents.

Also, West Reading, the City of Reading and the Borough of Wyomissing are coming together as a working group to better communicate and identify joint opportunities to work together on items such as the recent big rail discussions, parks and challenges faced within these municipalities. Mr. Gombach welcomed additional participation within this group.

9. **BOROUGH MANAGER’S REPORT:**

- a. **Council Member Resignation** – Mr. Imbesi noted receipt of a written letter of resignation from Nicholas Gardecki, dated June 22, 2020.

Motion to accept the letter of resignation from Borough Council by Nicholas Gardecki. **Moved** by Ms. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

Motion to advertise the Borough Council vacancy to interview and appoint a new Borough Council member during the August 18, 2020 Borough Council meeting. **Moved** by Ms. Kaag and seconded by Mr. Wert. **Motion carried 6-0.**

- b. **Zoning Hearing Board Resignation** – Mr. Imbesi noted receipt of a written letter of resignation from Kevin Conrad, dated July 17, 2020.

Motion to accept the letter of resignation from the Zoning Hearing Board by Kevin Conrad. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 6-0.**

Motion to advertise the Zoning Hearing Board vacancy. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 6-0.**

- c. **Certification of Unpaid 2019 Interim/Change Tax Bills** – There is one outstanding interim/change tax bill for 2019. Council's approval is needed to forward this information to the Berks County Tax Claim Bureau.

Motion approve the Certification of Unpaid 2019 Interim/Change Tax Bill. **Moved** by Mr. Lincoln and seconded by Ms. Kaag. **Motion carried 6-0.**

- d. **Water Shut-Off** – Administration requested Council's feedback on reimplementing water shut-offs next month for unpaid water, sewer and refuse bills. In light of the pandemic related unemployment benefits expiring next week and the unknown strain this may cause Borough residents, it was decided to extend the grace period through the next billing cycle.

- e. **Bicentennial House Rentals** – The recent increased limitation of 25 people for indoor gatherings announced by the Governor raises the question as to allowing rentals of the small Bicentennial House venue. It was agreed, for liability purposes, to refrain from renting the venue at this time.

Motion to accept the Borough Manager's report. **Moved** by Ms. Kaag and seconded by Mr. Kaag. **Motion carried 6-0.**

10. **MAYOR'S REPORT:** Mayor Kearney had nothing new to report this month.

11. **DEPARTMENT REPORTS:**

- a. **Police Department** - Chief Powell referred to his written report and requested consideration to purchase a vehicle. The fleet has been down one vehicle for a number of years and the aging fleet, most of which were purchased following the hail storm, are beginning to experience issues. A new community lease purchase program has become available at an interest rate of roughly 3.9, offering the following options to finance a total purchase price of \$46,806.64:
- Option 1 – No money down with annual payments of approximately \$16,000.
 - Option 2 – Provide a \$4,500 down payment with four annual diminishing payments.
 - Option 3 – Provide a \$9,000 down payment with four annual diminishing payments beginning at roughly \$13,000.

It was noted that the Mayor raised approximately \$15,000 towards the purchase of a police vehicle. Chief Powell anticipates the need to purchase four vehicles over the course of the next three years. It was agreed to begin purchasing replacement vehicles to avoid stacking

payments on a number of vehicles per year. Early payment information was requested prior to making a final decision on a purchase option.

Mr. Lincoln requested feedback either from merchants or the officer assigned to Penn Avenue this past week. Chief Powell stated that the officer was addressing a medical condition and will not be on Penn Avenue until next week. The second parking enforcement officer is in training and doing very well, he will be on his own next week.

Motion to accept the Police Department report. **Moved** by Mr. Lincoln and seconded by Ms. Kaag. **Motion carried 6-0.**

- b. **Public Works Department** - Mr. Murray referred to his written report and there were no questions or comments.

Motion to accept the Public Works Department report. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 6-0.**

- c. **Fire Department** - Chief Moyer referred to his written report and added that an application was made for a COVID-19 relief grant, and he will keep Council posted on the outcome. Also, the daily staffing program of the Fire Department began on July 1st and is going well. This has been a tremendous help to the department by increasing morale and expediting the time in which trucks are responding to calls. Chief Moyer plans to create a chart for Council next month to illustrate the benefits of this additional expenditure.

Mr. Wert inquired as to the replacement committee beginning to work towards specifying a replacement fire engine. Chief Moyer indicated the specification process should be completed by the end of this year with an anticipated delivery date in the year 2022.

Motion to accept the Fire Department report. **Moved** by Mr. Lincoln and seconded by Ms. Kaag. **Motion carried 6-0.**

- d. **Code Department** - Mrs. Hoffman was available to answer any questions. There were no questions or comments.

Motion to accept the Code Department report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

- e. **West Reading Community Revitalization Foundation** - Mr. Ratcliffe noted that twelve new businesses have moved into the Borough since the beginning of the year. Mazi Restaurant should be opening in the near future, Park Road Café opened faster than any other business, and Willow Creek Brewery should be opening soon as well.

The Craft Pretzel & Beer Fest has been downsized again due to the Governor's mandate to serve alcohol and food together at a table. Therefore, customers are being encouraged to visit the local restaurants over the course of a weekend.

The Derck & Edson five-year Phase 1 plan should be received by the end of this month. The Phase 2 plan will pursue a Keystone Communities designation, better definition of BID needs and rebranding.

A low-tech version of Parklets was asked to be considered for local restaurant use. Examples from Boston and Philadelphia were shared with Council where either Jersey barriers or large planters were used to stop slow rolling vehicles from entering the Parklet seating area. The

anticipated number of restaurants that would be interested in this aspect is low since nearby retailers are sharing their outdoor spaces. It was recommended to obtain the number of restaurants interested in the Parklet feature, and then to create a diagram of Penn Avenue illustrating the location of parking spaces that would be used for seating prior to reaching out to PennDOT to request their approval.

Motion to accept the West Reading Community Revitalization Foundation report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

12. COMMITTEE / COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer shared that the Commission is waiting on food vendor truck responses to provide service in the park area. Recreation also discussed hosting a movie in the park. However, a larger screen would be needed to practice social distancing. Due to the lack of events or activities within the Recreation Department, Mrs. Moyer noted that she has been cleaning, cataloging and reorganizing the stored building plans in the basement area of Borough Hall. Mr. Imbesi reported that Mrs. Moyer is doing a fantastic job organizing the large volume of building plans.

Motion to accept the Recreation Director's report. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

- b. **Planning Commission** – Review of the rental property ordinance amendment resumed with additional questions that were conveyed to the Solicitor. Short-term rentals are not currently regulated in the Borough and although West Reading is not a huge destination locale, it may be beneficial to be proactive in creating these types of regulations. Also, AT&T may be submitting a new application for a wireless communication facility in the near future.

Motion to accept the Planning Commission report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- c. **Economic Development Committee** – Mr. Wert noted discussions regarding the role of the Economic Development Committee in general and joining efforts with the West Reading Community Revitalization Foundation. The five-year plan would provide a road map of sorts to create a foundation plan. Information will be brought to Council for guidance.

Mr. Kaag inquired as to the Schweitzer Service Center property parking plan discussion. Mr. Wert indicated that the business is currently for sale and that this may represent an opportunity to begin innovative changes to this area.

Motion to accept the Economic Development Committee report. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

- d. **Traffic and Infrastructure Committee** – The Engineer and Borough Manager are coordinating with UGI to come to an agreement regarding the Parkview Road Pedestrian Bridge, we hope to have more information to share next month.

The curb ramp projects along Penn Avenue have begun. PennDOT is replacing the ramps at 3rd and 8th Avenues, it is unknown if they will also be replacing the ramp at 2nd Avenue. Both the granite ramp improvements and PennDOT ramp improvements should be completed in the near future.

Parking in alleys throughout the Borough is being reviewed. Staff reviewed all alley signage today to compare against the ordinance and will comprehensively determine if additional signs are needed and attempt to avoid street sweeping and trash collection restrictions within the same area.

Additional discussions are needed for the permit parking program. This aspect may require outside assistance from a consulting firm. A tiered type system may be a desirable option, based on the earlier public comment, to limit the number of vehicles parked on the street.

Motion to accept the Traffic and Infrastructure Committee report. **Moved** by Ms. Kaag and seconded by Mrs. Bressler. **Motion carried 6-0.**

- e. **Shade Tree Commission** – Mr. Kaag recapped discussions surrounding trees damaged by recent storms as well as a list of trees to be removed. Threshold rods have been installed to trees along Pine Street and Kent Way to deter splitting. Coordination with the Code Department is needed to address sidewalk issues in areas where trees have been removed. Also, replacement tree selections for Delaney Circle were discussed due to soil conditions and Mr. Grande has offered to purchase a new Christmas Tree for this area. Members of the Commission agreed that the number of Spotted Lantern Flies seems to have been reduced in the area.

Motion to accept the Shade Tree Commission report. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 6-0.**

13. **TREASURER'S REPORT:**

Mrs. Rentschler noted a pension meeting that has been scheduled on August 17th with PSAB and Morgan Stanley representatives. State aid amounts will be available in time for this meeting. The information gathered will be shared with Council.

- a. **Financial Statement Ending 6/30/2020** – There were no questions or comments.

Motion to accept the Financial Statement ending 6/30/2020. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 6-0.**

- b. **Payment Approval Report 6/17/20 to 7/16/20 & 7/17/20 to 7/21/20** – There were no questions or comments.

Motion to approve the Payment Approval Report 6/17/20 to 7/16/20 & 7/17/20 to 7/21/20. **Moved** by Ms. Kaag and seconded by Mr. Kaag. **Motion carried 6-0.**

14. **PUBLIC COMMENT:**

There were no public comments.

15. **ADJOURNMENT:** Motion to adjourn the meeting at 8:57 p.m. **Moved** by Mr. Lincoln and seconded by Ms. Kaag. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary