

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

October 21, 2020 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Wednesday, October 21, 2020 with the following persons present: Council President Jack Gombach; Council Vice President Philip Wert; Council Pro-Tem Christopher Lincoln; Council Members Patrick Kaag, Ryan Lineaweaver, Samantha Kaag and Jennifer Bressler; Mayor Andrew Kearney; Solicitor Joan London; 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
Brian Adams

1. **CALL TO ORDER:** Council President Jack Gombach called the meeting to order at 7:01 p.m. via Zoom, which was followed by the Pledge of Allegiance and Roll Call.
2. **PUBLIC COMMENT:**
There were no public comments.
3. **APPROVAL OF COUNCIL MINUTES:** Motion to approve the September 12, 2020 budget meeting minutes, the September 15, 2020 Council meeting minutes, the September 22, 2020, September 29, 2020, and October 10, 2020 budget meeting minutes. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**
4. **ORDINANCES / RESOLUTIONS:**
 - a. **Resolution 2020-19 Extension of Local Disaster Emergency** – This Resolution would extend the declaration expiration date to the November Council meeting, allowing the ability to apply for emergency disaster funding.

Motion to approve Resolution 2020-19 Extension of Local Disaster Emergency through November 17, 2020. **Moved** by Mrs. Bressler and seconded by Mr. Lineaweaver. **Motion carried 7-0.**
 - b. **Resolution 2020-20 Disposal of Municipal Records** – Mr. Imbesi reported that Mrs. Moyer has completed her review of Code Department files and provided a list of building permits and notices of violation that may be disposed of in accordance with the Municipal Records Manual.

Motion to approve Resolution 2020-20 Disposal of Municipal Records from the Code Department. **Moved** by Mr. Lincoln and seconded by Ms. Kaag. **Motion carried 7-0.**
 - c. **Ordinance – Environmental Advisory Council Composition Amendment** – Mr. Kaag noted amendments to the enabling ordinance to align with state statutes and provide the ability for the Council to appoint a Vice-Chairperson.

Motion to advertise an amendment to the Environmental Advisory Council composition.
Moved by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

5. **CONSULTANT'S REPORT:**

- a. **Solicitor's Report** – Ms. London reported that she argued the Oswald Herbert appeal from the enforcement notice. The appeal was sustained based upon the judges view of the lack of a definition of vehicle under the ordinance in which the notice was cited. Ms. London indicated that she did not agree with the Judge's decision and requested Council's feedback as to appealing to the Commonwealth Court.

Mr. Wert encouraged pursuit of an appeal to the Commonwealth Court. Otherwise the regulation pertaining to parking on the grass becomes mute. Costs would be incurred to reproduce records into a format acceptable to the Commonwealth Court and a half day in Harrisburg. Ms. London believes the ordinance is clear and supports an appeal.

Motion to proceed with an appeal of the Oswald Herbert matter to the Commonwealth Court. **Moved** by Mr. Wert and seconded by Ms. Kaag. **Motion carried 7-0.**

A Liquor License Transfer Application has been received from the Sunoco Station on Penn Avenue; Ms. London requested scheduling of this hearing. Council agreed to schedule the hearing on Tuesday, November 24, 2020 at 6:00 p.m., prior to a scheduled budget meeting.

Motion to authorize the advertisement of a Liquor License Transfer Hearing for Sunoco Station on Tuesday, November 24, 2020 at 6:00 p.m. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 7-0.**

Ms. London reported that the Business Privilege Tax is being paid by the Lofts at Narrow to Berks EIT.

Mr. Wert requested documented guidance pertaining to liquor license transfer hearings since there are a number of Council members that have not yet attended this type of hearing. Ms. London stated there are a number of factors that are weighed in the statute regarding intermunicipal liquor license transfer hearings and as a practical matter this request is very difficult to deny. If the request is denied a record would need to be built with testimony and evidence as to the reason for the denial. Mr. Wert indicated that this type of request differs from other license transfers within the Borough that pertained to a restaurant or bar. Ms. London indicated that the use of the property and conduct of the property owner may be considered at the hearing. Ms. London will provide Council with materials on the hearing and the respected burden of proof. Chief Powell asked if representation from the Police Department is requested for this hearing, Ms. London confirmed this representation.

Motion to accept the Solicitor's report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 7-0.**

- b. **Engineer's Report** – Mr. Unger reported that the handicap ramp project has been completed by Reamstown Excavating, Inc., an application for payment has not yet been received.

Cost proposal information was shared with Council to install a prefabricated pedestrian bridge on Parkview Road:

- Contech is a Costars authorized vendor, which would save approximately \$5,000 on expenses associated with plans, specifications and bidding. Two options for the Borough's consideration are:
 - Self-weathering steel with hardwood decking \$62,769
 - Self-weathering steel with Trex composite decking \$64,544
- CMI
 - Aluminum with composite decking \$60,938

It was noted that the Contech bridge has a 4,000-pound weight load, and the CMI bridge has a 3,000-pound weight load. An estimated timeframe for shop drawing submittal was three to four weeks and fabrication of the bridge was ten to twelve weeks.

Mr. Unger stated that they are still in the process of obtaining a joint permit from the Department of Environmental Protection and the Army Corps of Engineers. Representatives are requiring a hydraulic study and environmental assessment even though the bridge abutment is existing.

Mr. Unger and the Traffic and Infrastructure Committee made a recommendation to Council to approve the Contech bridge with composite decking material for the ease of long-term maintenance. Mr. Unger requested the status of a right-of-way agreement with UGI, Ms. London indicated that Mr. Becker is in the process of preparing this agreement. It was decided to wait for a signed agreement prior to accepting the Contech quote. March of 2021 was noted as the estimated timeframe for the bridge installation. This item would be placed on the agenda for next month.

Research of public sidewalk information pertaining to the Villas at Narrow development were shared with Council.

- PennDOT regulations require 5' wide sidewalks or a 4' wide sidewalk if a 5' by 5' wide passing area is provided every 200'.
- Borough sidewalk regulations require a 5' wide sidewalk.
- The plans were approved with 4' wide sidewalk detail.
- The latest section of homes was constructed with 3' wide sidewalks.

Mr. Lincoln stated that 3' wide sidewalks are insufficient for accessibility purposes and recommended widening the sidewalk to 4'. A discussion as to widening the sidewalk into the planting strip or into the yard area and placement of trees took place. It was decided that the use of the planting strip area with small tree pits would be the best option due to the limited length of driveways and right-of-way area to plant trees. Mr. Unger shared the developer's request to make modifications to the sidewalk during the spring of 2021. Council agreed to this project timeframe while retaining the line of credit. Mr. Kaag will review varieties of tree species for the entire development with the Shade Tree Commission.

Motion to accept the Engineer's report. **Moved** by Mr. Wert and seconded by Mr. Kaag.
Motion carried 7-0.

Mr. Unger departed the meeting at 7:38 p.m.

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

7. **COUNCIL PRESIDENT'S REPORT:** Mr. Gombach stated that he had nothing new to report at this time.

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

- a. **General Code Estimate** – Mr. Imbesi reported that General Code annually codifies the ordinances for insertion to the code books and the online version known as eCode360. Mr. Imbesi requested authorization to sign this year's estimate of \$2,450 to \$3,180.

Motion to authorize the Borough Manager to sign the General Code Estimate of \$2,450 to \$3,180 to codify Ordinances 1116 to 1127. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 7-0.**

- b. **Central Pennsylvania Teamsters Health and Welfare Fund** – Non-uniform health care coverage rates will increase an anticipated six-percent effective January 1, 2021. Mr. Imbesi requested authorization to execute this agreement.

Motion to authorize the Borough Manager to enter into a participation agreement with Central Pennsylvania Teamsters Health and Welfare Fund effective January 1, 2021. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 7-0.**

- c. **Civic Plus Website Agreement** – The annual renewal website hosting and support agreement has been received from Civic Plus in the amount of \$2,094.75, which is an increase of \$94.75 from last year's agreement. Mr. Imbesi and Mrs. Madeira are very pleased with the customer support and ease of making changes to the website and requested authorization to sign the service agreement.

Motion to authorize the Borough Manager to execute the annual website service agreement with Civic Plus in the amount of \$2,094.75. **Moved** by Mrs. Bressler and seconded by Mr. Lineaweaver. **Motion carried 7-0.**

- d. **Budget Schedule** – The remaining 2021 budget meeting schedule was shared with Council members.

- e. **Shade Tree Commission Resignation** – Mr. Imbesi reported that Ronald Schweitzer has requested to resign from the Shade Tree Commission and requested Council to accept his resignation.

Motion to accept the resignation of Ronald Schweitzer from the Shade Tree Commission. **Moved** by Mr. Kaag and seconded by Ms. Kaag. **Motion carried 7-0.**

Mr. Kaag thanked Mr. Schweitzer for his service. Mr. Wert noted the number of years that Mr. Schweitzer served on this Commission and the seriousness with which he conducted himself in this position even through difficult decisions affecting the neighborhood.

- f. **Animal Control Services** – Mr. Imbesi shared Safety Net Sanctuary's report of sixty stray cats and four stray dogs collected from the Borough during the year, which has caused an increase to their cost of services for 2021. It was noted that a decision is not needed this evening, and that this would be discussed further during the October 27th budget meeting.

Per capita assessment criteria was requested to determine a cost for the Animal Rescue League's services.

Motion to accept the Borough Manager's report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

9. **MAYOR'S REPORT:** Mayor Kearney shared his gratefulness to R.M. Palmer for offering their assistance with the October 30th Halloween festivities at the Pavilion. They have committed to providing monetary resources as well as candy and volunteers for this community event.

Motion to accept the Mayor's report. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

10. **DEPARTMENT REPORTS:**

- a. **Police Department** - Chief Powell referred to his written report and offered to answer any questions and noted the following action items.

- Chief Powell requested permission to allow an officer to use three-days of sick and family leave wages to care for a relative.

Motion to approve an officer's use of three-days of sick and family leave wages. **Moved** by Mr. Lineaweaver and seconded by Ms. Kaag. **Motion carried 7-0.**

- Chief Powell requested permission to remove the unused handicapped parking spaces located at 208 Chestnut Street, 341 Chestnut Street and 333 Sunset Road.

Motion to approve the removal of handicapped parking spaces located near 208 Chestnut Street, 341 Chestnut Street and 333 Sunset Road. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

- Chief Powell noted the following requests for handicapped parking spaces:
 - 402 S. Third Avenue: recommended placement was at the corner in front of this address.
 - 38 S. Sixth Avenue: recommended placement was at the corner in front of this address.
 - 328 Penn Avenue: recommended placement of this space was east of the bus stop. The space located in front of 400 Penn Avenue is no longer in use was recommended to be removed.
 - 503A Franklin Street: this space has been created by an emergency declaration.

Motion to approve the four handicapped parking space requests near 402 South Third Avenue, 38 South Sixth Avenue, 328 Penn Avenue and 503A Franklin Street. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 7-0.**

A temporary handicapped parking space designation at 200 Tulpehocken Avenue is set to expire on December 31st. Ms. London confirmed that since this space is temporary in nature an ordinance amendment would not be required.

Chief Powell alerted everyone to a number of thefts including packages on the north side of the Borough. An investigation is ongoing.

Motion to accept the Police Department report. **Moved** by Mr. Wert and seconded by Mrs. Bressler. **Motion carried 7-0.**

- b. **Public Works Department** - Mr. Murray referred to his written report and noted that they are nearing completion of the requirements to establish a fleet inspection station at the Borough Garage, which will enhance vehicle maintenance savings even further.

Motion to accept the Public Works Department report. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

- f. **Fire Department** - Chief Moyer referred to his written report and offered to answer any questions. Mr. Lincoln asked about the timeline to receive the new rescue engine. Chief Moyer stated the goal is to have the specifications completed by the end of the year, present this information to Council to obtain approval to move forward with this process. The engine would then be contracted during 2021 with an anticipated delivery date in the spring of 2022.

Motion to accept the Fire Department report. **Moved** by Mr. Kaag and seconded by Mr. Lineaweaver. **Motion carried 7-0.**

- e. **Code Department** - Mrs. Hoffman referred to her report and noted approximately eighty permits that were issued this month for street openings. Mr. Wert noted concentrated areas of gas line improvements over the span of a number of years and wondered if there is any end in sight. Mr. Murray noted faulty parts that were installed in the "T"'s that are in the process of being replaced. The enforcement of ordinance regulations pertaining to large cuts or areas of disturbance that require milling and overlaying of the wearing surface of the entire lane between the curb and the street center line is being pursued.

Motion to accept the Code Department report. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 7-0.**

- d. **West Reading Community Revitalization Foundation** - Mr. Ratcliffe shared an implementation strategy of the five-year plan improvements and welcomed Council's feedback. Rebranding and design standards would be a first priority. The two less expensive options of a Penn and Sixth Avenue Pocket Plaza between Chef Alan's and Diller Jewelers and East Gateway enhancements were proposed as the first topics for discussion. Suggestions were requested for the Penn Avenue railroad bridge gateway into the Borough. The Pocket Plaza that would include planters and lighting to create a welcoming outdoor area would be a welcome addition to the Penn Avenue area. A traffic analysis was recommended prior to closing North Sixth Avenue from Penn Avenue to just prior to Court Street to determine implications to traffic circulation patterns. Mr. Wert noted line of sight issues while exiting North Sixth Avenue onto Reading Avenue, closure of this section of roadway may reduce traffic and enhance safety in this area. The owner of the shopping center was amenable to movement of the dumpsters and loading zone for the two businesses located along North Sixth Avenue.

Mr. Ratcliffe thanked Council for allowing a sidewalk sale along Penn Avenue. It was noted that the day was rainy but did attract additional foot traffic to the businesses.

Holidays on the Avenue plans are underway in a manner similar to that of the sidewalk sale. The direction of offering Carriage rides is still in question.

Mr. Lincoln asked to ensure that funding requests through CFA or PennDOT Multimodal grants are not competing with what the Borough may be seeking.

Motion to accept the West Reading Community Revitalization Foundation report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

11. COMMITTEE / COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer expressed her gratitude towards R.M. Palmer for their contributions to the community and noted a total of \$3,989 that has been donated for the Halloween event of from residents, businesses and staff members.

The Recreation Commission is requesting permission to open the Bicentennial House for rentals one day per weekend to allow in-house disinfecting of the facility between rentals. Ms. London recommended use of the COVID-19 liability waiver for each rental.

Motion to resume Bicentennial House rentals one day per weekend with execution of the liability waiver. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

Mrs. Moyer shared information on potentially refurbishing the existing tennis courts to Pickleball courts. Preliminary plans are being drafted and will be shared with the Recreation Commission prior to making a recommendation to Council. Pickleball is a paddleball sport that combines elements of badminton, table tennis and tennis.

Motion to accept the Recreation Director's report. **Moved** by Mr. Lincoln and seconded by Mr. Lineaweaver. **Motion carried 7-0.**

- b. **Planning Commission** – This October Planning Commission meeting was cancelled.
- c. **Economic Development Committee** – Mr. Wert reported that the real estate market keeps increasing in value and the business community is thriving. It was suggested to keep the five-year implementation plan handy to refer to often for discussions on investment type options. Mr. Wert shared a story of a previous Council that decided during the great depression to invest in a pool house because they knew it was the right thing to do. Mr. Wert asked that present community leaders not be afraid of investing in the community.

Motion to accept the Economic Development Committee report. **Moved** by Mr. Lineaweaver and seconded by Mr. Lincoln. **Motion carried 7-0.**

- d. **Environmental Advisory Council** – Mr. Kaag provided a recap of the recent Pick Up PA event where approximately forty volunteers participated in collecting trash throughout the Borough. Kangen Water, a local business generously provided water for all of the volunteers. It was noted that Mr. Adams has been working towards bringing more interest to the Community Garden and that a more viable and permanent location for the garden, preferably on Borough owned land is being pursued.

Motion to accept the Environmental Advisory Council report. **Moved** by Mrs. Bressler and seconded by Mr. Wert. **Motion carried 7-0.**

- e. **Traffic and Infrastructure Committee** – Mr. Lincoln shared discussion highlights regarding curb and sidewalk repair policies. Guidance was requested from Council with regards to curbing. Mr. Lincoln indicated that as an integral part of the roadway the cost for curbing

repairs, as needed, could be incorporated into the cost of road improvement projects. It was suggested to determine a course of action prior to the 2021 Pine Street paving project. The three proposed options to fund these repairs were:

- Placing the entire burden on the property owner;
- The Borough incorporating this added expense into the cost of road improvement projects;
- Establish a cost sharing method.

A separate discussion on sidewalk repair responsibilities took place and it was stated that the Ithaca New York model assessed property owners based on occupancies. However, the Solicitor noted that current Pennsylvania statutes do not allow this type of assessment. There were concerns regarding raising the general tax to cover this expense and the ability to dedicate the amount collected each year for these types of improvements in the future.

Ms. London stated that under Pennsylvania law sidewalk repairs are the property owner's obligation. However, Section 1804 of the Borough Code states the Borough may pay all or any expense of grading and curbing any sidewalk. Council requested the solicitor to review the authority to assess options prior to making a decision.

Mr. Lincoln shared information on a program offered by the Borough of Wyomissing where they set aside money each year to share in the cost of sidewalk repairs on a first come, first served basis giving priority to areas damaged by Borough trees. This type of program may encourage additional sidewalk repairs throughout the Borough.

Council members agreed that curbing responsibilities should be incorporated into the cost of road improvement projects. An ordinance amendment will be drafted for the Traffic and Infrastructure Committees review.

Elements of the five-year plan were discussed from an infrastructure standpoint. There were a few items of concern that have been outlined in the Traffic and Infrastructure Committee minutes that will be shared with the West Reading Community Revitalization Foundation for further discussion.

Motion to accept the Traffic and Infrastructure Committee report. **Moved** by Mr. Wert and seconded by Ms. Kaag. **Motion carried 7-0.**

f. **Shade Tree Commission** – Mr. Kaag provided a recap of discussions:

- Planting of trees on Fourth Avenue has been delayed until the spring of 2021.
- Trees are being removed along Franklin Street and Reading Avenue.
- Trimming of trees is planned this fall along Pine Street.
- New tree plantings along the creek are being reviewed in effort to prevent erosion.
- A twenty-five-foot Norway Spruce Christmas Tree has been donated entirely by Massimo Grande and Plow Farms and was planted today at Delaney Circle.
- Mr. Schweitzer's recent resignation has created a vacancy on the board.

Motion to accept the Shade Tree Commission report. **Moved** by Mr. Lincoln and seconded by Ms. Kaag. **Motion carried 7-0.**

- g. **Safety Committee** – Mr. Murray referred to the safety meeting minutes and offered to answer any questions. There were no questions or comments.

Motion to accept the Safety Committee report. **Moved** by Mr. Kaag and seconded by Mr. Lineaweaver. **Motion carried 7-0.**

- h. **Finance Committee** – The October Finance Committee meeting was cancelled.

12. TREASURER'S REPORT:

- a. **Financial Statement Ending 9/30/2020** – Mrs. Rentschler apologized for the delay in providing this information noting that the budget has been consuming most of her time.

Mr. Wert stated that the collected real estate tax is \$66,000 above what was budgeted for the year. This indicates that we slightly under budgeted the real estate taxes and that we should increase estimates for the year 2021. Mrs. Rentschler shared a formula recommendation from the Center for Excellence in Local Government to project tax revenues:

- 85% of taxes paid during the discount period;
- 5% of taxes paid during the flat period;
- 5% of taxes paid during the penalty period;
- 5% of taxes that are not paid at all.

Motion to accept the Financial Statement ending 9/30/2020. **Moved** by Mr. Wert and seconded by Ms. Kaag. **Motion carried 7-0.**

- b. **Payment Approval Report 9/16/20 to 10/15/20 & 10/16/20 to 10/21/20** – There were no questions or comments.

Motion to approve the Payment Approval 9/16/20 to 10/15/20 & 10/16/20 to 10/21/20. **Moved** by Mr. Lineaweaver and seconded by Ms. Kaag. **Motion carried 7-0.**

13. PUBLIC COMMENT:

There were no public comments.

14. **ADJOURNMENT:** Motion to adjourn the meeting at 9:04 p.m. **Moved** by Ms. Kaag and seconded by Mr. Lincoln. **Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary