

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

October 19, 2022 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Wednesday, October 19, 2022 with the following persons present: Council President Ryan Lineaweaver; Council Vice President Philip Wert; Council Pro-Tem Christopher Lincoln (via Zoom); Council Members Jennifer Bressler, Patrick Kaag, Denise Drobnick, and Zachary Shaver; Mayor Samantha Kaag (via Zoom); Solicitor Joan London; Engineer Tom Unger; Fire Chief and Building Code Official Chad Moyer; Police Chief Wayne Holben; Borough Manager Dean Murray; Public Works Director Kerry Grassley; Treasurer Jeanette Rentschler (via Zoom); and Borough Secretary Cynthia Madeira.

VISITORS:

James Rogers, Resident	Alecia Prigmore, Resident
Karen Livingood, Resident (via Zoom)	Isai Irizarry, Resident
Suzanne Thompson, Resident	Jesus Irizarry, Resident
Kevin Kozo, Property Owner	

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 7:13 p.m., which was followed by the Pledge of Allegiance and Roll Call.

2. **EXECUTIVE SESSION:**

Mr. Lineaweaver noted an executive session that was held today at 6:30 p.m. to discuss personnel matters and potential litigation.

3. **AGENDA AMENDMENTS:**

There were no amendments to the agenda.

4. **PUBLIC COMMENT:**

Mr. Irizarry requested as a follow up to discussions during the recent Traffic and Infrastructure Committee meeting that consideration be given to designate a handicapped parking space within the fourth space from Third Avenue on the south side of Chestnut Street rather than the fifth space due to a tree stump restricting access to the sidewalk. Mr. Murray noted that the request to advertise an amendment to this section of the ordinance has been tabled until next week, which would allow time to review this request.

Mr. Rogers spoke of his findings this week in researching delinquent Business Privilege Licenses and wanted to ensure that Council was aware that of the seventy properties that transferred ownership between January 1 and August 31, 2022, forty-two of these properties appear to be rentals. He noted that Wendy's restaurant was recently sold and the new owner, according to the Code Department, is aware of the Business Privilege License and Tax requirements. Mr. Rogers stated that the owner of this property and the Lukoil parcel are not paying their Business Privilege Taxes. Guidance was requested as to which public meeting he should attend to share his findings. Mr. Rogers recommended the Borough Solicitor and Berks Earned Income Tax (EIT) Solicitor meet to facilitate better enforcement. Mr. Murray indicated that the proposed amendment to the Business Privilege Tax section of ordinances should facilitate better enforcement.

5. **APPROVAL OF COUNCIL MINUTES:**

Motion to approve the September 20, 2022 regular meeting minutes, and the September 27, 2022 and October 8, 2022 budget meeting minutes. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 7-0.**

6. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance – Business Privilege Tax Amendment** – Mr. Lineaweaver requested consideration to authorize the advertisement of amendments to Chapter 410, Article I Business Privilege Tax (BPT) to clarify rates of taxation. Ms. London indicated that she spoke with the Berks EIT Solicitor to clarify rates between wholesale and retail business transactions. A savings clause has been added that reverts to the Local Tax Enabling Act and Local Tax Reform Law should the amendment be found to be invalid.

Motion to authorize the advertisement of amendments to Chapter 410, Article I Business Privilege Tax Ordinance. **Moved** by Ms. Drobnick and seconded by Mr. Shaver. **Motion carried 7-0.**

- b. **Ordinance – Handicapped Parking Space Designations** – Mr. Lineaweaver noted that this ordinance amendment has been tabled until next week.
- c. **Resolution 2022-12 DCED Local Share Account Category 4 Facilities Program Grant** – Mr. Lineaweaver noted that the West Reading Community Revitalization Foundation (WRCRF) is pursuing grant funding to improve lighting and security features on the Main Street corridor.

Motion to adopt Resolution 2022-12 to facilitate the WRCRF in obtaining grant funding for improved lighting and security features on Main Street. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

- d. **Resolution 2022-13 DCED Local Share Account Category 4 Facilities Program Grant** – Mr. Lineaweaver noted the WRCRF is also pursuing grant funding for gateway improvements.

Motion to adopt Resolution 2022-13 to facilitate the WRCRF in obtaining grant funding for gateway improvements. **Moved** by Mr. Shaver and seconded by Ms. Drobnick. **Motion carried 7-0.**

7. **CONSULTANT'S REPORT:**

- a. **Solicitor's Report** – Ms. London requested consideration to approve the written 304 Penn Avenue Conditional Use Hearing Decision to convert the first-floor space from a commercial use to a residential use. The written decision grants the use as voted upon at the time of the hearing subject to the installation of wheel stops within all of the off-street parking spaces, and to align with the testimony provided during the hearing.

Motion to execute the written 304 Penn Avenue Conditional Use Hearing Decision to convert the first-floor space to a residential use. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 7-0.**

- b. **Engineer's Report** – Mr. Unger referred to his report and noted one action item. The developer of 428 Penn Avenue has submitted a fourth letter of credit reduction request in the amount of \$26,311.39 that would deplete the funds reserved within the financial

improvement's agreement. Mr. Unger indicated that all inspections have been completed satisfactorily. A second item Mr. Unger requested feedback on was the need for a municipal improvement maintenance security for items dedicated to this project. Mr. Unger indicated that the only area of concern from this project would be the public sidewalk, and recommended waiving the maintenance security requirement. Ms. London deferred to the engineer's judgement.

Motion to approve the Letter of Credit Reduction No. 4 to Nickel Properties, LLC in the amount of \$26,311.39 for the 428 Penn Avenue project. **Moved** by Mr. Kaag and seconded by Mr. Wert. **Motion carried 7-0.**

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

Mr. Kozo thanked Borough Council and staff for being a pleasure to work with throughout this project.

Mr. Unger and Mr. Kozo departed the meeting at 7:28 p.m.

8. **COUNCIL PRESIDENT'S REPORT:**

Mr. Lineaweaver indicated that he had nothing new to report at this time.

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

- a. **Reading Hospital PILOT Agreement** – Mr. Murray requested consideration to authorize the Council President to execute a three-year Payment in Lieu of Taxes (PILOT) agreement with the Reading Hospital. Mr. Lineaweaver noted that there is no increase to the 2023 contribution that totals \$674,031. For calendar years 2024 and 2025 the contribution will be increased by the average monthly change in the Consumer Price Index.

Motion to authorize the Council President to execute the 2023 – 2025 Payment in Lieu of Taxes Agreement with Reading Hospital. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 7-0.**

- b. **Housing Review Board Vacancy** – Mr. Murray requested consideration to appoint Mark Burkholder to the Housing Review Board to replace Chad Moyer to hear appeals that pertain to rental housing. Mr. Wert asked if members on this board are required to be residents of the Borough. It was noted that residency was not a requirement to serve on this three-member board.

Motion to appoint Mark Burkholder to the Housing Review Board. **Moved** by Mr. Wert and seconded by Mr. Shaver. **Motion carried 7-0.**

- c. **Sale of Rescue Tools** – Mr. Murray requested consideration to approve the Public Surplus sale of Fire Department rescue tools consisting of an electric and a gas-powered set of extrication tools. The same buyer won the bid of both sets of tools totaling roughly \$830.

Motion to approve the sale of Fire Department extrication tools to the highest bidder on Public Surplus. **Moved** by Ms. Drobnick and seconded by Mr. Kaag. **Motion carried 7-0.**

- d. **Small Water System Grant Application** – Mr. Murray requested consideration to apply for a small water system grant with the assistance of the Borough Engineer.

Motion to authorize the filing of a small water system grant application with the assistance of the Borough Engineer. **Moved** by Mrs. Bressler and seconded by Ms. Drobnick. **Motion carried 7-0.**

- e. **Multimodal Grant Application** – Mr. Murray requested consideration to allow him to research and apply for a multimodal grant. Mr. Lincoln noted that PennDOT multimodal grant applications are due on November 14th. It was recommended to pursue projects that pertain to pedestrian safety. Once the scope of the project is understood a resolution and agreement would be required for matching fund requirements. Mr. Lincoln noted that Green Light Go grant funding opportunities will open in the near future to improve or update traffic signals. Mr. Wert reminded Mr. Lincoln of plans that were prepared a number of years ago to improve the lighting in the vicinity of the traffic circle.

Motion to allow the Borough Manager to research and apply for a multimodal grant. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

- f. **Fire Police Assistance** – Mr. Murray requested consideration to allow West Reading Fire Police to assist Hamburg Borough during their King Frost Parade.

Motion to approve West Reading Fire Police to assist Hamburg Borough during the King Frost Parade. **Moved** by Mr. Shaver and seconded by Ms. Drobnick. **Motion carried 7-0.**

- g. **Landfill Agreement** – Mr. Murray requested consideration to extend the landfill agreement to stay in line with the current trash hauler agreement.

Motion to extend the Pioneer Crossing Landfill lease agreement through December 31, 2023. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 7-0.**

Mr. Murray introduced the newest member of the borough family, Michael Esterly as Recreation Director.

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

10. **MAYOR'S REPORT:** Mayor Kaag noted another busy month and congratulated the Environmental Advisory Council on a successful Free-Market Event.

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

11. DEPARTMENT REPORTS:

- a. **Police Department** – Chief Holben offered to answer any questions regarding his report and noted an action item to consider refinancing the 2022 replacement vehicle purchases that is currently financed at 6%. The Treasurer located a 4.63% loan that would save roughly \$2,800. It was also suggested to allocate the remaining unused 2022 budgeted vehicle replacement funds of \$14,000 to lower the amount financed from \$96,000 to \$82,000 to save roughly \$4,200 in interest.

Motion to refinance the 2022 vehicle lease purchases at the reduced amount of \$82,000 at the lowest interest rate. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 7-0.**

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

- b. **Public Works Department** - Mr. Grassley referred to his report and offered to answer any questions. Mr. Grassley spoke of another plumbing contractor that attempted to take advantage of an elderly resident by recommending unnecessary work. Fortunately, the resident called Borough Hall prior to signing the contract. The line was televised and found to be in a satisfactory condition. Methods to prevent future instances were discussed such as monitoring PA One Calls and permit applications by the Public Works and Code Departments.

Motion to accept the Public Works Department report. **Moved** by Mr. Kaag and seconded by Mrs. Bressler. **Motion carried 7-0.**

- c. **Fire Department** – Chief Moyer referred to his report and offered to answer any questions. There were no questions or comments.

Motion to accept the Fire Department report. **Moved** by Mr. Shaver and seconded by Ms. Drobnick. **Motion carried 7-0.**

- d. **Code Department** – Mr. Moyer noted progress this month on entering notice of violation data into the Caselle program and the ability to generate reports based on this information. Mr. Moyer welcomed feedback as to the type of information Council would like to be included in the monthly reports.

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

- e. **West Reading Community Revitalization Foundation** – In the absence of Mr. Ratcliffe Mr. Wert offered to answer any questions and noted the well-made branded hats and t-shirts that are now for sale.

Mr. Lineaweaver requested consideration to close the 000 block of South Sixth Avenue for Small Business Saturday, noting that this is the same block that is closed for second Friday events.

Motion to approve the closure of the 000 block of South Sixth Avenue on Saturday, November 26, 2022 for the Small Business Saturday event. **Moved** by Ms. Drobnick and seconded by Mrs. Bressler. **Motion carried 7-0.**

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

12. COMMITTEE / COMMISSION REPORTS:

- a. **Equity Diversity and Inclusion Taskforce** – Mrs. Bressler stated review of the non-discrimination ordinance has been completed and forwarded to the solicitor's office for review and comment. Ms. London confirmed that this is currently under review by their office.

Motion to accept the Equity Diversity and Inclusion Taskforce report. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 7-0.**

- b. **Recreation Commission** – Ms. Drobnick welcomed Mr. Esterly noting that he has hit the ground running with the Halloween event that is planned this coming weekend. On Saturday

there will be a Trunk-or-Treat event in the park that has received a great response from our businesses and residents. Ms. Drobnick noted two additional upcoming events:

- Dia De Los Muertos Pet Parade – On November 5th community members along with their pets are requested to meet at Seventh and Penn Avenue at 1:00 p.m. to parade down Penn Avenue to the Third and Spruce Draffhaus parking lot to hold an event to commemorate pets.
- Rides 'N Vibes – The group wishes to continue the monthly 2nd Saturday community bike rides possibly through December, weather permitting.

Motion to approve the Recreation Commission report. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 7-0.**

- c. **Planning Commission** – Mr. Wert noted discussions surrounding election signage regulations. Additional questions arose that resulted in a request for the solicitor to join next month's meeting. The ability to enforce animal welfare in Code Red or Code Blue conditions were discussed with clarification needed on whether current state statutes may afford these services under the current animal control service contract. The Rental Inspection ordinance continues to be reviewed; a recommendation may come forward to Council in the next few months.

Motion to accept the Planning Commission report. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 7-0.**

- d. **Economic Development Committee** – The October Economic Development Committee meeting was cancelled.
- e. **Environmental Advisory Council** – Mr. Kaag referred to the minutes and offered to answer any questions. Ms. Drobnick commented on the great Free-Market event. Mr. Kaag indicated that there are talks of offering this type of event on an annual basis in the spring and fall.

Motion to approve the Environmental Advisory Council report. **Moved** by Ms. Drobnick and seconded by Mr. Shaver. **Motion carried 7-0.**

- f. **Traffic and Infrastructure Committee** – Mr. Lincoln noted the following:
- A question-and-answer session with a representative of Haverford Systems took place regarding upgrades to the audio and video equipment within Council Chambers to improve the virtual meeting experience. Following responses to additional questions a final implementation plan should be presented to Council next month to implement the upgrades with current year budgeted funds.
 - The ongoing discussions surrounding temporary improvements to Delaney Circle is currently waiting on modifications to the plan by the engineer. Weather will more than likely delay the ability to line stripe the pavement until spring.
 - Work continues on a new utility billing policy.
 - A number of handicapped parking space applications were reviewed with recommendations for Council, there are a few additional changes that have placed this amendment on hold until next week.

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

- g. **Shade Tree Commission** – Mr. Kaag referred to the minutes and encouraged residents to report concerns or questions regarding trees to the Borough. Mr. Lineaweaver noted that New Castle Lawn and Landscape plans to donate plants or trees to the Borough.

Motion to accept the Shade Tree Commission report. **Moved** by Ms. Drobnick and seconded by Mrs. Bressler. **Motion carried 7-0.**

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

13. **TREASURER'S REPORT:**

- a. **Financial Statement Ending 9/30/2022** – There were no questions or comments.
- b. **Payment Approval Report 9/21/22 to 10/13/22 and 10/14/22 to 10/19/22** – There were no questions or comments.

Motion to approve the financial statement ending 9/30/2022, and Payment Approval Reports of 9/21/22 to 10/13/22 and 10/14/22 to 10/19/22. **Moved** by Mr. Wert and seconded by Mr. Shaver. **Motion carried 7-0.**

14. **PUBLIC COMMENT:**

Mr. Rogers spoke of results from a recent right-to-know request that pertained to inspection reports associated with the Lofts at Narrow. It was noted that the most recent failed inspection report on file is a report from the Fire Marshal dated May 24, 2020. He questioned why a follow-up inspection has not been completed during the last two years. It was noted that Council is aware and may not comment.

Mr. Rogers asked again what committee meeting he should attend to share the BPT information he has collected to collect taxes due to the Borough. Mr. Lineaweaver recommended that he continue to work with staff noting an amendment to the ordinance should allow Berks EIT to work towards collecting delinquent taxes. Ms. London noted the amendment would make it easier for Berks EIT to bring West Reading and Wyomissing Boroughs and the Wyomissing Area School District inline with the tables and instructions and returns.

- 15. **ADJOURNMENT:** Motion to adjourn the meeting at 8:12 p.m. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary