

BOROUGH OF WEST READING – BOROUGH COUNCIL

August 18, 2015 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, August 18, 2015 with the following persons present: Council President Philip C. Wert; Vice President Carl G. Garman; Council Members Elizabeth L. Heckler, Grace M. Craze, Nathalie R. Kulesa, Christopher C. Lincoln, Suzanne Thompson; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark Burkholder; Borough Solicitor Daniel P. Becker; Recreation Coordinator Helen Moyer; Public Works Director Dean E. Murray; Elm Street Manager Dean L. Rohrbach; Main Street Manager Christin Kelley; Engineer Tom Unger; Administrative Assistant Cathy L. Hoffman.

VISITORS:	Jim & Karen Livingood	Residents
	Rita Ditsky	Business Owner
	Tina Shenk	Property Owner
	James T. Rogers	Resident
	Becca Gregg	Reading Eagle
	Robin Horman	Resident
	Hannelore DeHart	Resident

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:**

Jim Livingood asked for an update regarding the proposed skateboard ordinance. Discussion ensued regarding funding not being attained for a skate park and the damage that is being done to private property. After further discussion, it was decided that Mr. Becker would redistribute the proposed ordinance and that it should be an agenda item for the Protection of Persons and Property Committee that will be meeting on August 19th.

Hannelore DeHart asked when her alley (behind the 100 block of S. 6th Avenue) would be fixed and Mr. Murray indicated that it is on the list for repair. Mr. Wert indicated that it would be discussed at budget time.

James T. Rogers asked if the contractor for the Buttonwood Bridge project or the State have obtained the necessary permits for the West Reading side of the project, as well as registration for Business Privilege Tax. Mr. Unger felt that because it is a State project and would be inspected by the State, local permits would not be necessary. Regarding the Business Privilege Tax, Mr. Sichler said that it would depend on whether their local office meets the criteria of the Ordinance therefore he will look into it. It was also noted that there are certain types of businesses such as manufacturing that are exempt.

Rita Ditsky asked why she has to pay a permit fee to move her sign from the 500 block of Penn Avenue to her new location on the 600 block of Penn Avenue. After some discussion, Mr. Unger said he would look into it and bring the information back to Council.

3. **PRESENTATION – COMMISSIONER CHRISTIAN LEINBACH - LERTA**

Commissioner Leinbach spoke about the possibility of initiating a County-wide LERTA (Local Economic Revitalization Tax Abatement) that would benefit all businesses, not just 'big business'. The following information was also provided:

- It would apply to businesses that meet these two criteria – is it an assessable improvement and does it require a building permit.

- The 10 year tax abatement would result in no tax being collected in year one, 10% in year two, 20% in year three, etc.
- Each municipality that chooses to enact it must do so by ordinance.
- The abatement would only pertain to the tax that is levied for the improvement and not the assessment prior to the improvement.
- The 10 year clock would start when the tax bill is issued for the improvement.
- The school district must be in agreement to make it work.
- Multiple LERTAs can apply to the same property with the clock starting at different years for each improvement.
- Commissioner Leinbach will be meeting with the Wyomissing Area School District to discuss the LERTA for West Reading.

It was also noted that the Economic Development Committee did discuss the possible LERTA for West Reading and made several recommendations.

4. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mrs. Kulesa and seconded by Mr. Garman to approve the minutes of July 21st and 28th, 2015 as amended (it erroneously listed Mr. Garman as chairing the July 28th meeting). **Motion carried.**

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

a. **Ordinance 1047** – It was noted that the Ordinance had been duly advertised. **Moved** by Mr. Lincoln and seconded by Mrs. Kulesa to approve Ordinance 1047. **Motion carried.**

b. **Ordinance 1048 - Police Pension Contribution for 2014** – **Moved** by Mr. Garman and seconded by Ms. Craze to approve Ordinance 1048. **Motion carried.**

6. **UNFINISHED BUSINESS:**

- Belovich Development** – Mr. Becker said he had finally been contacted by the solicitor for Fulton Bank who indicated that they have been working on the lot line issues. He stated that a meeting has been scheduled for August 20th, and a report from this meeting will be presented to Council at the September Council meeting.
- Abandoned Properties** – Mr. Sichler indicated that a packet of information containing all of the expenses to date has been forwarded to Ken Pick with the County for their review. It is hoped that these properties will be selected by the County as a test under a new program to abate blighted properties. It was noted that it is not the County's goal to have the property 'owner occupied', but simply to have the property rehabilitated and occupied. Discussion ensued regarding the expense involved with obtaining ownership of these abandoned properties which can make it too costly to be purchased and rehabilitated as part of the Borough's PARR program.
- Finance Committee** – Mr. Wert referred to the previous discussion about the Finance Committee and said he felt that an enabling ordinance should be adopted that stipulates the role and responsibilities of the Committee. A draft ordinance had been prepared some months ago and Mr. Wert asked that this be distributed again to both the Committee and Council for further discussion.

7. **CONSULTANTS' REPORTS:**

- Solicitor's Report** – Mr. Becker spoke about the draft ordinance that had been distributed just prior to the meeting concerning the change from a defined benefit pension plan to a defined contribution plan (for employees other than police officers). Mr. Sichler added that in order to

reconsider the pension administrators, the Ordinance needs to be enacted. Council was asked to review the document and send any comments back to Mr. Becker.

Moved by Ms. Craze and seconded by Ms. Thompson to approve the Solicitor's Report. **Motion carried.**

- b. **Engineer/Code Enforcement Report** – Mr. Unger reviewed his written report which had been distributed just prior to the meeting. He noted the following:
- The road paving contracts are being put together; the construction meeting is set for August 25th, with a tentative start date of September 1st.
 - The Fire Company/Borough Hall hail damage bid package has been advertised and bids will be opened on September 8th.
 - The Oak Terrace water main is complete and individual services are close to being done. UGI continues to replace gas services on the street. Paving will be done after Labor Day.
 - Payment Application #1 for the Oak Terrace Water Main Replacement project has been received. **Moved** by Mr. Lincoln and seconded by Ms. Craze to authorize payment of Payment Application #1 to M & A Excavating in the amount of \$72,604.26. **Motion carried.**
 - As part of the Code Enforcement report, Mr. Unger noted that all grease trap inspections have been completed, with only a few that require follow up.
 - Overgrown grass was discussed and Mr. Unger stated that staff has been checking throughout the Borough for violations as well as responding to individual complaints.

Mayor Rodriguez also spoke about sidewalk repairs and noted that a moratorium had gone into effect in 2004 but was lifted in 2011. Since that time, some sidewalks were marked and homeowners notified that repairs were necessary however there has been little follow through. Mayor Rodriguez said that he had been unaware of the status of this project and that the moratorium had been lifted but will now request that sidewalks be checked, letters be sent to homeowners, and sidewalks marked for replacement/repair.

Mr. Lincoln stated that because some homeowners have brought valid concerns forward regarding the street trees that are damaging sidewalks, Council should determine other possible solutions before enforcing the sidewalk repairs. He suggested that the Infrastructure Committee review the issue before anything further is done. Mr. Sichler also noted that the Shade Tree Commission has been looking at trees that have outgrown their location and need to be removed. Possible solutions were discussed and it was decided that the Infrastructure Committee should discuss the issue and bring a recommendation back to Council.

Moved by Ms. Craze and seconded by Mrs. Kulesa to accept the Engineer's Report. **Motion carried.**

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

- a. **Vehicle Sales** - Mr. Sichler reported that the 1997 GMC Pick-up that was advertised for sale (but the transaction was not finalized) has been re-advertised with a high bid being of \$4250. being received from Michael Nicks of Denver, PA. **Moved** by Mr. Garman and seconded by Ms. Craze to sell the 1997 GMC Pick-up to Michael Nicks for \$4250.00. **Motion carried.**
- b. **Retaining Wall Waiver – 214 Olive Street** – Mr. Sichler indicated that the retaining wall waiver will allow the construction of a retaining wall immediately adjacent to the sidewalk at 214 Olive, which

is Mr. Wert's property. Mr. Wert noted that it will be terraced and will replace an embankment of ivy. **Moved** by Ms. Craze and seconded by Mr. Lincoln to approve the retaining wall waiver for 214 Olive Street.

Motion carried. (Mr. Wert abstained)

- c. **Codification Update** – Mr. Sichler reminded everyone that the Borough had contracted with General Code to update and create a new Code of Ordinances. The legal review identified outdated portions of the code as well as conflicting and inconsistent portions. As a result, there are 70 pages of editorial comments that the Planning Commission is willing to review. Following this review, Mr. Becker will review it as well. General Code is requesting that the reviews be completed by January.
- d. **Zoning Hearing Board Vacancy** – One resident has expressed an interest in being appointed to the Board however she has not submitted a letter of interest therefore Mr. Sichler will follow up with the resident.
- e. **Environmental Advisory Committee Vacancy** – Only one letter of interest had been submitted for this vacancy - resident Cara Giagnocava. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to appoint Cara Giagnocava to the Environmental Advisory Committee. **Motion carried.**

Moved by Mr. Garman and seconded by Ms. Craze to approve the Borough Manager's Report.
Motion carried.

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

Mayor Rodriguez provided report for both the current Council report as well as last month's report. The following was discussed:

- Mayor Rodriguez along with Mr. Unger and Mr. Magovern met with representatives of Kuhn Funeral Home concerning the possible addition of a crematory. The equipment proposed by Mr. Kuhn did not meet the standards set by the Borough's environmental regulations for crematories therefore they are waiting to hear back from him.
- Met with two representatives of the Reading Health System to discuss needs on both sides, as well as keeping the lines of communication open.
- Along with the Economic Development Committee, met with Kevin Hughes, owner of the Narrow Fabric building to discuss plans for the property. It has been proposed that a food market be established there. The possibility of utilizing a LERTA was also discussed.
- Mr. Wert spoke about a meeting with Ken Pick, Kevin Barnhardt and Tim Daley, Executive Director of Habitat for Humanity, to discuss the Belovich property. The discussion was very preliminary and it was noted that if the homes were built by Habitat, they would be sold for market price, with the purchaser obtaining a mortgage and the remaining portion being subsidized by Habitat. Mr. Wert said that he would ask Mr. Daley to attend the next meeting to explain what is being proposed.

Moved by Mr. Lincoln and seconded by Ms. Craze to approve the Mayor's Report. **Motion carried.**

10. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Powell spoke about the following;
 - A request for reimbursement has been submitted for the 117.5 man hours used to date as part of the Buttonwood Bridge project. Many of the hours were worked by the Berks County Sheriffs' Department and will have to be reimbursed.

- The Reading 120 Race organizers have come up with a plan to keep the westbound traffic moving into the Borough even when the race is moving through the Borough. He noted that racers will use both lanes eastbound until 4th Avenue where barricades will move the racers to the south side of the street. Traffic westbound into the Borough will turn right at 3rd Avenue and take the detour through the Borough. This will also keep two ramps open at Rt. 422.
- The camera project is moving along although it will be hampered by the detour. The contract has been signed, permits have been obtained, equipment has been ordered, and they are ready to move forward with the interior equipment installation.

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

b. **Public Works** – Mr. Murray reported the following:

- He has reviewed the expenditure items discussed at last month's meeting and noted that they were placed in the wrong line item. He said that he would be meeting with the Treasurer to ensure that they are corrected.
- Grass cutting by a contractor was discussed briefly.
- Curb painting will not be completed this year. Mr. Murray said it was originally planned that one third of the Borough would be completed each year.

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

c. **Fire Department** – Chief Burkholder referred to his written report and the following was noted:

- Mr. Wert noted that emergency vehicles are struggling to get through the Borough. Chief Powell spoke about the increased traffic as part of the Buttonwood Bridge detour and how Borough Police are dealing with it.
- Mrs. Kulesa asked about the ISO Survey and Chief Burkholder said that a computerized model with the flow data is what is required, but would be costly for the Borough. Mr. Sichler said they would have to budget for it in 2016. Mr. Unger added that he could provide a proposal for budgeting purposes.

Moved by Mr. Garman and seconded by Mr. Lincoln to approve the Fire Department Report.
Motion carried.

d. **West Reading Community Revitalization Foundation**

Elm Street and Main Street Manager' Report – Mr. Rohrbach reported the following:

- 75 volunteers have signed up to help paint 14 properties on Cherry, Franklin and Chestnut.
- Thanked Mr. Garman, Ms. Thompson, and Mayor Rodriguez for participating in the recently held block party.
- The contract has been received for the \$40,000 DCED Façade Grant which now needs to be executed. **Moved** by Ms. Craze and seconded by Mr. Lincoln to authorize Mr. Sichler to execute the DCED contract. **Motion carried.** Twenty-two applications have been submitted to the Design Committee and of those, fifteen have been approved.
- A \$2500 grant has been received from the Greater Reading Young Professionals.

Ms. Thompson then commented at length concerning Mr. Rohrbach's written and verbal report and spoke about the lack of resident participation in various aspects of CRF activities. Mr. Wert

asked Ms. Thompson to bring her comments to the upcoming CRF meeting which is the proper forum to share her concerns.

Moved by Mr. Lincoln and seconded by Mrs. Kulesa to approve the Elm Street and Main Street Managers' Reports and the West Reading Community Revitalization Foundation Report. **Motion carried.**

11. **COMMITTEE/COMMISSION REPORTS:**

a. **Recreation Commission** – Mrs. Moyer referred to her written report and had two action items for discussion:

- An Emergency Action Plan for the Pool, Concession Stand and Playground was distributed to Council in their packets. Mrs. Moyer indicated that as part of creating this document she had met with the Police Department, Fire Department and Public Works Department for their input. Two minor changes were recommended; the addition of "Recreation" in the title, and office hours listed for Borough Hall. **Moved** by Mrs. Kulesa and seconded by Mr. Garman to adopt the Emergency Action Plan incorporating the two changes as discussed. **Motion carried.**
- Given the recent problems with rental of the Pavilion, Mrs. Moyer would like to rewrite the rental contract and recommended that the damage deposit be increased to \$75 along with the existing key deposit of \$25. It was noted that this does not include usage of the field, which is a separate fee. **Moved** by Mr. Garman and Ms. Craze to amend the fee schedule to set the damage deposit fee at \$75 for the rental of the Pavilion. **Motion carried.**
- It was noted that the minutes of the Recreation meeting required an amendment because they did not reflect that Marcy Wilkes had been in attendance.

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

b. **Planning Commission** – Mr. Wert spoke about the following:

- Mr. Unger will be providing draft language regarding the proposed changes to the UCC.
- The SALDO is nearing completion. Once the draft is complete, a recommendation will be made to Council. At that point a public meeting must be held prior to adoption.

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

c. **Economic Development Committee** – Mr. Wert reported that the Committee did meet to discuss the LERTA that Commissioner Leinbach had discussed and had made a recommendation. The Committee reviewed the County's resolution, Mt. Penn's newly adopted ordinance and Bethel Township's ordinance and took the best portions to create language for a Borough-wide ordinance. Some discussion ensued regarding what the LERTA would mean for the Borough. **Moved** by Mr. Garman and seconded by Ms. Craze to direct Mr. Becker to prepare some language for a draft LEFTA ordinance. **Motion carried.**

Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Economic Development Committee report. **Motion carried.**

- d. **Safety Committee** – There were no questions concerning the minutes.
Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the Safety Committee minutes.
Motion carried.
12. **TREASURER’S REPORT:**
 - a. **Revenues with Comparison to Budget:**
There were some questions concerning winter maintenance and traffic signs which Mr. Sichler and Mr. Murray answered.

Moved by Mr. Garman and seconded by Ms. Craze to approve the Revenues with Comparison to Budget Report for the seven months ending 7/31/2015. **Motion carried.**
 - b. **Payment Approval Report:**
Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Payment Approval Report for 7/22/2015 - 8/11/2015 and 8/12/2015 – 8/18/2015. **Motion carried.**
13. **EXECUTIVE SESSION:**
Council recessed to Executive Session at 10:28 p.m. to discuss personnel. When the meeting reconvened at 10:50 p.m., the following action was taken:
 - **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to accept Samuel Phillips’ resignation.
Motion carried.
14. **PUBLIC COMMENT:**
Rita Ditsky asked about parliamentary procedure concerning meeting conduct and Mr. Becker said that Roberts Rules generally prevail which allows the Council President to maintain order.
15. **ADJOURNMENT:**
Moved by Mrs. Kulesa and seconded by Ms. Craze to adjourn the meeting at 10:54 p.m. **Motion carried.**

Respectfully submitted,
Cathy Hoffman
Administrative Assistant