

## BOROUGH OF WEST READING – BOROUGH COUNCIL

**November 17, 2015 – 7:00 p.m.**

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, November 17, 2015 with the following persons present: Council President Philip C. Wert; Vice President Carl G. Garman; Mayor Valentin Rodriguez, Jr.; Council Members Elizabeth L. Heckler, Grace M. Craze, Nathalie R. Kulesa, Christopher C. Lincoln, Suzanne Thompson; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark Burkholder; Borough Solicitor Daniel P. Becker; Recreation Director Helen Moyer; Public Works Director Dean E. Murray; Main Street Manager Christin Kelley; Engineer Tom Unger; Administrative Assistant Cathy L. Hoffman. Elm Street Manager Dean L. Rohrbach was not in attendance.

<b>VISITORS:</b>	Jim & Karen Livingood	Residents
	Terry Siggins	Resident
	Tina Shenk	Property Owner
	James T. Rogers	Resident
	Oswald Herbert	Resident
	Audrey Schaeffer	Resident
	Patrick & Robin Reedy	Residents
	Robin Horman	Resident
	Amber Rambo	Resident
	Ammon Heckler	Resident
	Ritz Ditsky	Business Owner
	Kerry Grassley	Crew Leader
	Jeanette Rentschler	Treasurer
	Stephanie Burkholder	Receptionist
	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:**

**Tina Shenk** commented about the large amount of vehicular traffic on Penn Avenue however there are lots of parking spaces available. Mr. Wert said that this reflects the information provided by the parking study and suggested that the holiday season would be a better indicator of the parking situation.

**James T. Rogers** commented about the parking enforcement income over the last two years compared to the reduced amount for 2015. Chief Powell indicated that there could be a number of reasons for this.

**Audrey Schaeffer** stated that the property at 417 Franklin Street did not go to Sheriff's Sale because the taxes were paid and asked why the owner wasn't held because of the warrant. She also noted that there is a large number of people living at 413 and 415 Franklin Street. This will be investigated by Codes department. Also reported was a vehicle being parked on the grass at 439 Franklin Street.

**Ammon Heckler** said that his neighbor had complained about kids playing football in the middle of the street at night and Chief Powell said they have addressed it a couple of times and would continue to do so.

3. **APPROVAL OF COUNCIL MINUTES:**

Ms. Craze stated she had two items for the November 7<sup>th</sup> budget minutes:

- 1) The minutes state that she agreed to the hiring of one borough crew person however she would like to put in there "under the stipulation of how Dean works after a year of having an extra person working with them".
- 2) The cost for the zero-turn was \$3500 not \$4000.

**Moved** by Ms. Craze and seconded by Mr. Lincoln to approve the minutes of October 20<sup>th</sup> (regular meeting), October 27<sup>th</sup> (budget meeting) and November 7<sup>th</sup> (budget workshop). **Motion carried.**

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

The handicapped parking ordinance had been approved for advertising however it was noted that this included the two recommended parking spaces from the October Council meeting as well as a third that was received just prior to the ordinance being advertised. Council was asked by telephone if they would permit the advertising of the third space so that the resident would not have to wait six months to have it approved, and they agreed to do so.

**Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve Ordinance 1051 (3 handicapped parking spaces). **Motion carried.**

5. **UNFINISHED BUSINESS:**

- a. **Belovich Development** – Mr. Becker indicated that the bank has been working diligently to get all of the punch list items completed with the assistance of the Borough Engineer. Unfortunately they moved forward with the planting of trees in front yards without first consulting the Borough or sending out letters to the residents. As a result, they were asked to discontinue the planting, and it was decided that the trees will be removed if requested.

Also, with regard to the property encroachments in the alley (Chiffon Way), a new plan has been prepared that will resolve this situation. All effected property owners will be required to sign an acknowledgement. Mr. Becker said that the new plan is considered to be an annexation plan and under the Borough's Subdivision and Land Development Ordinance, it would require them to go through the land development process. In this situation, they are asking that the Borough waive this requirement and look at it as a corrective plan. This would move the process along more quickly. Mr. Unger said that because this impacts so many properties, some review should be completed before approval. Mr. Sichler suggested that it could be approved pending the engineer's review.

Mr. Reedy indicated that none of this information has been provided to the property owners and Mayor Rodriguez said that the Bank was supposed to contact them. Mr. Becker then explained everything concerning the punch list to Mr. Reedy and noted that all of those items must be resolved prior to the Borough accepting the dedication of the roads, infrastructure, etc. and that the bank had agreed to communicate with the residents first.

It was also noted that many home owners have planted trees or shrubs as a result of the developer not having done so according to the plan. As a result, it would be unnecessary for those trees to be planted at this point and the Shade Tree Commission has reviewed the situation and agreed that trees will not be planted where they are not wanted. Also, the Bank has agreed to donate any unwanted trees to the 'tree bank'.

Discussion ensued about waiving the land development process as it pertains to the annexation and there was a concern about future problems if the proper process is not followed. Mayor Rodriguez asked that Mr. Reedy be allowed to comment concerning the proposed action prior to Council making a decision. It was also recommended that the Borough send a letter to the residents of the development outlining the information since the Bank has failed to communicate.

Mr. Reedy said that they love the trees and all of the work that is being completed in the development however it is the lack of communication from everyone this is frustrating. He noted that he has attempted to contact the Bank however without success. He spoke about the lack of common sense regarding the installation of the trees that were recently planted.

**Moved** by Ms. Craze and seconded by Ms. Thompson to hand out a flyer saying there is a preliminary plan and to invite the bank, the lawyers and whoever is on the other side to come to a meeting with the residents and Borough Council. **Motion carried.**

Mr. Becker also spoke about the pipe being installed to deal with the stormwater issue on the property at 655 Walnut Street. Mr. Unger indicated that the wrong size pipe had been installed and an inspection was not completed prior to back filling therefore it will have to be corrected.

- b. **Abandoned Properties** – Mr. Sichler said that the taxes have been paid for the property at 417 Franklin, the bank has secured the property at 425 Chestnut and the lien has been paid for the property at 135 S. 2<sup>nd</sup> Avenue and subsequently sold.
- c. **Board Vacancies** – Mr. Sichler reported that the Zoning Hearing Board vacancy has been advertised along with the Planning Commission vacancy. Two letters of interest have been received, from David Amato and Oswald Herbert. It was moved by Mr. Lincoln to appoint Mr. Amato, however the motion died for lack of a second. **Moved** by Mr. Garman and seconded by Mrs. Heckler to appoint Mr. Herbert to the Planning Commission.  
In favor of the motion – Mr. Lincoln, Ms. Thompson, Mr. Garman, Mrs. Heckler, Ms. Craze, Mr. Wert  
Against the motion – Mrs. Kulesa  
**Motion carried.**
- d. **Norfolk Southern Graffiti** – Mr. Unger indicated that a letter has been prepared to be sent to Norfolk Southern and will be reviewed at the staff meeting on November 18<sup>th</sup>, then sent out. The letter cites Norfolk Southern under the International Property Maintenance Code for the removal of the graffiti.
- e. **Hail Damage** – Mr. Sichler said that the salt shed roof had been replaced during the last week and Mr. Unger has prepared the documents and delivered them to Borough Hall for execution by Mr. Sichler. The documents are for the hail damage at the Fire Company and Borough Hall.

6. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Becker reported the following:
  - The Subdivision and Land Development Ordinance review is ongoing.
  - An ordinance that will allow pets in the park has been prepared. A draft was distributed to Council for their review.
  - A disruptive conduct ordinance was prepared and distributed for review.

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

- b. **Engineer/Code Enforcement Report** – Mr. Unger referred to his written report which included the Code Enforcement report. There were no action items nor were there any questions.

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

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

- a. **Vehicle Sales** – Mr. Sichler had advertised auctions for two Chargers which closed on November 15<sup>th</sup>.

**Moved** by Ms. Craze and seconded by Mrs. Kulesa to authorize the sale of the 2007 Dodge Charger with a salvage certificate in the amount of \$2602 to Darrell R. Sanders of Littlestown PA. **Motion carried.**

**Moved** by Mrs. Kulesa and seconded by Ms. Craze to authorize the sale of the 2008 Dodge Charger with a salvage certificate in the amount of \$3251.99 to Alieu Kamara of Woodbridge VA. **Motion carried.**

Mr. Sichler also reported that a Police SUV that was recently involved in an accident and subsequently written off by the insurance company. They have offered \$29,500 with a \$1000 deductible. The insurance company will permit the Borough to strip all of the equipment from the vehicle before it is turned over to them. As well, under COSTARS, a 2016 Ford Utility Police Interceptor is available for \$27,503.54. The cost of the graphics package and labor for the installation of the equipment will total about \$2500. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve the purchase of the 2016 Ford vehicle from vehicle maintenance in the amount of \$27,503.54. **Motion carried.**

- b. **Pension Committee Update** – A preliminary meeting was held with the joint pension committees – Non-Uniform and Police to discuss how the process works. No decisions were made, however direction is requested from Council to move ahead and advertise meetings to begin the process of bidding the pension administration. The performance of the pensions were reviewed – the non-uniform is pretty good but the police is not, based on the County's performance as a benchmark. **Moved** by Ms. Craze and seconded by Mr. Lincoln to direct the Pension Committee to prepare the Request for Proposals for the pension administration. **Motion carried** He added that once prepared, it will be reviewed by Council and subsequently advertised.

- c. **Police Department Heating Unit** – The basement heating unit needs to be replaced. A preliminary quote was \$10,000 however others since then have been significantly less therefore \$5000 should be sufficient and can be allocated under general building maintenance. **Moved** by Ms. Craze and seconded by Ms. Thompson to look for the best price for a new heater for the Police Department. **Motion carried.**

- d. **PADEP Water Allocation Permit** – Mr. Sichler stated that every 25 years a Water Allocation Permit must be obtained from PADEP and 2015 is the year that the current one expires. As part of the renewal application process, public notification is required therefore this meeting will be part of this notification to Council and the residents. He noted that in 1990, the Borough was granted an average of one million gallons per day; our current usage is just under .7 million gallons per day so we have not exceeded our allocation. We will be requesting a little more so that we have room to

grow. **Moved** by Mr. Lincoln and seconded by Mrs. Heckler to authorize the Borough Manager to execute and the water allocation permit application. **Motion carried.**

- e. **General Code Update** – Mr. Wert stated that the Planning Commission has been working on the legal analysis of the Code of Ordinances and General Code would like a response by January 8<sup>th</sup>. The Commission intended to have a working session however it would need to be advertised per Sunshine Law requirements, therefore he requested permission to advertise future meetings. He explained how input is necessary from various people such as the solicitor, engineer, fire chief, police chief etc. in order to complete the project.

Much discussion ensued about what the project entailed and what General Code was contracted to complete. It was noted that while they are completing a legal review, it doesn't deal with specifics concerning much of the outdated information that can only be updated by local officials. It was suggested that once staff have reviewed their respective sections, and the majority of work completed, that Council review the document prior to having it sent to the solicitor.

**Moved** by Ms. Craze and seconded by Ms. Thompson to advertise the meetings. **Motion carried.**

**Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve the Borough Manager's report. **Motion carried.**

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

Mayor Rodriguez reported the following:

- Council was updated concerning his meeting with the hospital concerning their request for additional security by stating that they have not yet submitted their proposal.
- He addressed criticism he received in the Reading Eagle for refusing to authorize the flying of a drone above a WRCRF event. He said he refused because he felt it was placing the liability of the Borough at risk. He added that the request did not provide sufficient notice and also didn't provide enough information. The other major item of concern was because of the proximity to the Reading Hospital helipad. He noted that the Borough Solicitor was also involved in the decision as well.
- The remainder of his report involves other committee meetings and he will comment during their reports.

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

9. **DEPARTMENT REPORTS:**

- a. **Fire Department** – Chief Burkholder referred to his written report. Mrs. Kulesa asked what the outcome had been during the budget session concerning the ISO flow testing and he stated that it was discussed but a final decision had not been made.

**Moved** by Mr. Lincoln and seconded by Ms. Thompson to approve the Fire Department Report. **Motion carried.** Chief Burkholder then left the meeting.

- b. **Police Department** – Chief Powell referred to his written report and noted the following:
- A handout was provided for motor vehicle accidents over the last three years.
  - A free seminar has been scheduled for December 3<sup>rd</sup> at the Fire Company from 6 – 7 p.m. Credit card fraud, identity theft and scams will be addressed. Investigator Karie Good will be leading this training.

**Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve the Police Department Report.  
**Motion carried.**

- c. **Public Works** – Mr. Murray referred to his written report and noted the following:
- The salt shed has been filled in preparation for the winter season and its roof has been replaced.
  - The rebuilding of the walking bridge by the pool has begun.
  - Leaf pick-up continues on both streets and alleys.

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

- d. **West Reading Community Revitalization Foundation Elm Street and Main Street Manager' Report** – Ms. Kelley referred to their written report and noted the following:
- Thanked Public Works for their help with the corn shucks on Penn Avenue.
  - Reported that the dedication of the murals went very well.

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

10. **COMMITTEE/COMMISSION REPORTS:**

- a. **Recreation Commission** – Mrs. Moyer referred to her written report and spoke about the following:
- The 2016 recreation event list was presented to Council for their approval. **Moved** by Mrs. Heckler and seconded by Mr. Lincoln to approve the 2016 event list. **Motion carried.**
  - The meeting dates were also submitted however it will be approved and advertised in the new year with all of the other Committee meetings.
  - Reappointments will also be dealt with in the new year.
  - The draft ordinance that would allow dogs in the park was again discussed. A copy will be sent to Mrs. Moyer. Once Council has had a chance to review it, the ordinance will be advertised.
  - The revenue for the Mother Son Dance was increased to \$1063.
  - The Annual Christmas Tree Lighting will be held on December 4<sup>th</sup>.

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

- b. **Planning Commission** – Mr. Wert referred to the minutes of the November 4<sup>th</sup> meeting. There were no questions.

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

- c. **Economic Development Committee** – Mr. Wert referred to the November 9<sup>th</sup> minutes.

Under the Buttonwood Street Gateway, Mayor Rodriguez said he had discussed the multimodal and adverse impact grants that might be available to establish trolley service in the Borough and Mr. Sichler indicated that direction from Council should be obtained first. Mr. Lincoln asked what the purpose would be and Mayor Rodriguez indicated that the businesses have been adversely effected because of the Buttonwood Street detour. He said that the grants cover transportation systems such as a trolley which Council should consider as a different mode of transportation that would reduce traffic issues during the detour. He went on to explain how the trolley would be utilized, the route it would follow etc.

Much discussion ensued regarding the possibility of obtaining the grants, how the operation would be sourced out, the possible cost to taxpayers, etc. Business owners in attendance had many questions and Mayor Rodriguez noted that it had been presented to the Business Promotion meeting in August or September.

It was noted that the grant application process is extremely competitive, and that having the backing of the County as well as other agencies would be an important component. The grant application would also take a lot of time to prepare which would consume much of Mr. Sichler's time. Mayor Rodriguez agreed that this was a legitimate concern.

Mr. Garman said he would be in favor if it creates more parking in the Borough however he would like to have some input from the business owners first. The "Holiday Glow" trolley was discussed and Ms. Shenk felt that if there is no cost to the businesses, the trolley would be a charming addition however she was concerned that people didn't use the Barta bus when it was implemented at the beginning of the detour.

It was Council's decision to permit Mayor Rodriguez to do the research and determine what it would take to make this happen, however at no cost to the Borough. Also to obtain a written opinion or letter of support from Alan Piper, Senior Transportation Planner for the County concerning the viability of the project from a traffic planner's standpoint. Mayor Rodriguez said he would solicit the support and if it is not received from the County he would seek other support.

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

- d. **Traffic and Infrastructure Committees** – Mr. Lincoln referred to the Traffic Committee minutes and noted that there were two items for discussion and possible action:

- A parking issue exists in the alley off Wayne Avenue that runs behind Holland Square where the trash trucks have difficulty maneuvering past vehicles that are parked there. Mr. Sichler noted that on one occasion, a downspout was knocked down from a garage because of the issue. Mr. Garman asked if this was going to cause an issue for residents who may not have sufficient parking space on trash and recycling days. Mr. Murray indicated that Holland Square is not yet on the street sweeping schedule so there shouldn't be an issue. **Moved** by Ms. Craze and seconded by Mr. Garman to restrict parking on trash and recycling days in that alley. **Motion carried.**
- A presentation was made by United Public Safety concerning the proposed conversion to electronic parking enforcement. Chief Powell explained how the handheld system would work and noted that the initial cost would be just over \$8500 which includes the unit, software package, data plan, onsite training. Continuing costs would be about \$3000 per year for software updates and data plan. The new system will streamline the ticketing

process for both the PEO and administrative staff and will allow more efficient use of their time. It was also noted that the parking study indicated there are a lot of parking violations that are currently being missed and would be caught by the new system.

**Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve the purchase of the digital device.

In favor of the motion – Ms. Craze, Mr. Garman, Mrs. Kulesa, Mr. Lincoln, Mr. Wert, Ms. Thompson

Against the motion – Mrs. Heckler

**Motion carried.**

**Moved** by Mrs. Kulesa and seconded by Ms. Craze to approve the Traffic Committee report.

**Motion carried.**

Regarding the Infrastructure Committee minutes, Mr. Lincoln indicated that they had been distributed just prior to the meeting however there were no action items. Council briefly reviewed the minutes and had no questions.

**Moved** by Ms. Craze and seconded by Mr. Garman to approve the Infrastructure Committee minutes. **Motion carried.**

- e. **Environmental Advisory Committee** – Mr. Sichler referred to the minutes and Mr. Wert noted that a member of the Committee has expressed an interest in starting a gardening club. He asked everyone to pass the word along to anyone who may be interest in gardening.

**Moved** by Mr. Lincoln and seconded by Mrs. Kulesa to accept the Environmental Advisory Committee report. **Motion carried.**

- f. **Shade Tree Commission** – Mr. Sichler referred to the minutes and noted that it includes three lists of trees to be trimmed, removed, and planted. Council had some questions about trees on certain streets and Mr. Sichler reported that the Commission had reviewed all of them and they are on one of the lists.

**Moved** by Ms. Craze and seconded by Ms. Thompson to approve the Shade Tree Commission report. **Motion carried.**

11. **TREASURER'S REPORT:**

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

**Moved** by Mr. Lincoln and seconded by Mr. Garman to approve the Revenues with Comparison to Budget Report for the ten months ending 10/31/2015. **Motion carried.**

- b. **Payment Approval Report:**

**Moved** by Mr. Garman and seconded by Mr. Lincoln to approve the Payment Approval Report for 10/21/2015 - 11/13/2015 and 11/14/2015 – 11/17/2015.

**Motion carried.**

**Moved** by Ms. Craze and seconded by Mrs. Kulesa to immediately dismiss Phil Wert as President of Borough Council.

In favor of the motion – Ms. Craze, Mr. Garman, Ms. Thompson, Mrs. Kulesa

Against the motion – Mrs. Heckler, Mr. Wert, Mr. Lincoln

**Motion carried**

Mr. Wert then left the chair and Mr. Garman as Vice President took the chair.

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:21 p.m. to discuss personnel. When the meeting reconvened at 11:58 p.m., the following action was taken:

Mayor Rodriguez requested nominations for the office of President of Council. Ms. Thompson nominated Mr. Garman. **Moved** by Ms. Thompson and seconded by Ms. Craze to appoint Mr. Garman as Council President. **Motion carried.**

Nominations for Vice President were then requested and Ms. Craze nominated Mrs. Kulesa. **Moved** by Ms. Craze and seconded Ms. Thompson to appoint Mrs. Kulesa as Vice President. **Motion carried**

13. **PUBLIC COMMENT:**

**James T. Rogers** asked if any additional legal fees had been incurred in the Courier article situation and Mr. Becker said there were not.

**Rita Ditsky** asked why members of Council had unseated Mr. Wert and Ms. Craze stated “I did it because of the issue in the Courier and that there was a discussion about who called who, what lawyer, who knew what information and mistakes were made, but lies were already told”.

Mr. Garman added “a bill of \$2000 that the taxpayers are going to have to pay, when the chain of command was not followed properly. Council President had the option of not involving the lawyer and just handling it between the Borough Manager and the person that was involved in the Courier. It went further where the Borough, you taxpayers, accrued a \$2000 bill.”

Ms. Ditsky said that as a merchant she is very concerned and hopes that more merchants will attend meetings. When asked why she was concerned, she replied that she has attended meetings and there is a lack of support for the merchants.

**Oswald Herbert** commented about the flag at the back of the building not being lit at night. Mr. Murray said he would look into it.

**Patrick Reedy** on behalf of the residents of the Belovich development, thanked Council for making the Bank take action and finish the development. He asked that Council keep them more involved.

**Tina Shenk** said she doesn’t know what happened, but asked that everyone get along and start thinking for themselves instead of ‘parking lot meetings’ and if something is wrong they need to think for themselves instead of saying that it is right. She said she doesn’t know what Mr. Wert did or didn’t do, but noted that he works on a lot of committees and would like to see the rest of Council become as involved as he is.

**Mayor Rodriguez** commented that “this was about free speech to have an article published in the Courier and that the speech was severely limited and in a manner viewed by Council and the person censored as a very egregious manner. Council acted on the facts that developed regarding that action. Unfortunately self admittedly, Mr. Wert made a mistake.”

**Mr. Wert** said he had no hand in limiting anyone's speech and if he did anything wrong, it had to do with potentially not getting Mr. Becker involved in a Borough expenditure from a legal standpoint where the issue at hand could have potentially been solved between Mr. Sichler and himself and the person potentially aggrieved. Mr. Becker did become involved and it resulted in a \$2000 bill. The majority of Council felt that that was a mistake on his part and he should have not gotten Mr. Becker involved.

14. **ADJOURNMENT:**

**Moved** by Mrs. Kulesa and seconded by Ms. Craze to adjourn the meeting at 12:08 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman  
Administrative Assistant