

BOROUGH OF WEST READING – BOROUGH COUNCIL

February 16, 2016 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, February 16, 2016 with the following persons present: Council President Carl G. Garman; Vice President Nathalie Kulesa; Mayor Valentin Rodriguez, Jr.; Council Members Grace M. Craze, Kristin L. Kramer, Christopher C. Lincoln, Suzanne Thompson, Philip C. Wert; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark Burkholder; Recreation Director Helen Moyer; Public Works Director Dean E. Murray; Elm Street Manager Dean L. Rohrbach; Engineer Tom Unger; Borough Secretary Cathy L. Hoffman. Main Street Manager Christin Kelley was unable to attend.

VISITORS:	Jim & Karen Livingood	Residents
	Tina Shenk	Property Owner
	James T. Rogers	Resident
	Oswald Herbert	Resident
	Amber Rambo	Resident
	Becca Gregg	Reading Eagle
	Dr. Mark Dougherty	WRCRF President
	Rea Gehret	McCarthy Engineering

1. **CALL TO ORDER:** Council President Carl G. Garman called the meeting to order at 7:02 p.m. which was followed by the Pledge of Allegiance and Roll Call.

2. **PUBLIC COMMENT:**

Dr. Dougherty stated that he was in attendance as president of the West Reading Community Revitalization Foundation, with a request for letters of support to be sent to the PDC for three program awards – the Paint the Town program, the PARR program and for board member Andy Moletress in the Volunteer of the Year category. Mr. Rohrbach spoke about the awards and noted that Mr. Moletress has logged 855 hours as a volunteer with the PARR project which doesn't include any of his time as Treasurer for the CRF. **Moved** by Mrs. Kulesa and seconded by Mrs. Kulesa to authorize the writing of the letters of support as suggested. **Motion carried 7-0.**

James T. Rogers asked questions about the snow emergency process and asked if 'robocalls' from West Side Emergency Management could notify residents that it is okay to park on a given street. He also asked if Franklin Street should be removed from the snow emergency route as the fire company is no longer on that street. Chief Burkholder said that this has discussed before and that Franklin Street will remain. It was also noted that there may be a limit as to how many robocalls can be made each year; Mr. Sichler will check into this.

Tina Shenk spoke about businesses on the 400 block of Penn Avenue that have moved, and the struggles of the businesses that remain, which she believes is ultimately a result of the detour. She suggested two changes that could help – a change in zoning that would permit the location of offices on the first floor, and the addition of a left turns from southbound Fifth Avenue onto eastbound Penn Avenue. Discussion ensued and it was noted that if zoning were to be changed, even on a temporary basis, any business that establishes itself during that time would be grandfathered even when the temporary zoning was lifted. Mr. Wert said that the key to thriving businesses is to add more residents to the properties on Penn Avenue and cited the former A-Z building as a perfect example. Regarding the left turns onto Penn Avenue, it was noted that PennDOT may not allow it, however the request will be taken to the Traffic Committee meeting of March 9th for discussion.

3. **ARMED FORCES DAY PARADE:**

Council's approval is necessary to request the street closure from PennDOT therefore it was **moved** by Ms. Craze and seconded by Ms. Thompson to approve the Armed Forces Day Parade on Saturday, May 21, 2016. **Motion carried 7-0.**

4. **APPROVAL OF COUNCIL MINUTES:**

There were no changes or additions noted for the minutes to be approved. **Moved** by Mr. Wert and seconded by Ms. Kramer to approve the Council minutes of January 19th (regular) and January 26th (2nd regular). **Motion carried 7-0.**

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

- a. **Ordinance 1054 (Pets in the Park)** – The ordinance has been advertised and is ready for enactment. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve Ordinance 1054. **Motion carried 7-0.** Ms. Craze also asked about the progress of the proposed dog park and Mrs. Moyer said that she is still awaiting information before her request is taken to the Planning Commission.
- b. **Disruptive Conduct Ordinance** – There has been no further action regarding this proposed ordinance.
- c. **Resolution 2016-2 – Fee Schedule** – There was some discussion regarding the abandoned permit fee that is reference by ordinance but not included in the fee schedule, as well as whether plumbing license fees should be removed. In the end no changes were recommended for the present, therefore it was **moved** by Ms. Thompson and seconded by Ms. Kramer to approve Resolution 2016-2 Fee Schedule. **Motion carried 7-0.**
- d. **Resolution 2016-3 – Police Officers' Contributions** – State Law requires that if the full amount of the pension contribution (allowed by law) is not withheld from officers' pay, a resolution stipulating the percentage must be passed. Resolution 2016-3 stipulates that 5% will be withheld for 2016. **Moved** by Mr. Lincoln and seconded by Mrs. Kulesa to approve Resolution 2016-3. **Motion carried 7-0.**

6. **UNFINISHED BUSINESS:**

- a. **Belovich Development** – Mr. Sichler explained that there are ten properties that need to have two feet added to the rear of their properties which will be taken from the alley right of way in order to correct the garage encroachments that were discovered as part of the finalizing of this project with Fulton Bank. The other condition is to relieve the developer from the full implementation of the landscaping plan due to the fact that the homeowners have completed a lot of their own landscaping since the homes were actually built and they do not wish to have additional trees planted at this point. Much discussion ensued and it was noted that the remaining 14 trees of the original 25 as stipulated by the plan, will be held by the Borough to be planted elsewhere. There was a question regarding who would be responsible for the cost associated with any future tree planting and Rea Gehret (McCarthy Engineering representing Fulton Bank) indicated that although he didn't have a definitive answer, he felt that it would be the bank's expense because the trees are owed to the Borough. Also, there would be an escrowed amount held by the Borough until the development is complete.

Charles Haws of Barley Snyder, said that it was important to note that Fulton Bank solicitor Maria Elliot also works for Barley Snyder, and in the event of a conflict, both sides would have to use outside counsel. Mr. Haws referred to Ms. Elliot's letter of November 16, 2015 which requests the waiving the requirement to plant the remaining trees in order to proceed with the street dedication.

Mr. Sichler noted that the Planning Commission has recommended approval of the amended plan.

Moved by Ms. Craze and seconded by Mrs. Kulesa to waive the planting of the remaining trees.

Motion carried 7-0. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve the plan amendment contingent upon the final execution of the ten property owners as well as the Planning Commission and Council. **Motion carried 7-0.**

- b. **Abandoned Properties** – Mr. Sichler said that there are two remaining properties that are being monitored. The Franklin Street property was inspected and the windows, doors and tarped roof remain intact. It has also been added to a new blighted property program through the County which has taken the first step of notifying the owner and posted the property. It was noted that this is a long process however it represents progress. The process was also briefly discussed.
- c. **Board Vacancies/Reappointments** – It was noted that there is one vacancy on the Planning Commission, two on the Police Pension Committee and two on the Recreation Commission. After some discussion it was decided that the vacancies would be added to the Borough's website and Facebook page however to not place an ad in the newspaper. Mayor Rodriguez also volunteered to sit on the Planning Commission if there is no interest from residents therefore the vacancy will be advertised on the website until March 15th and a decision made at the next Council meeting. Concerning the Police Pension Fund, there is an immediate need to have at least one seat filled therefore Ms. Craze volunteered. **Moved** by Ms. Thompson and seconded by Ms. Kramer to appoint Grace Craze to the Police Pension Committee. **Motion carried 7-0.**
- d. **Meeting Procedures Amendments** – Mr. Garman said that there are three items he would like to change or add to the meeting procedures, the first being the invocation. It was noted that the invocation had been discontinued due to the difficulty in having a member of the clergy in attendance. Due to the diversity of the residents of the Borough, it was noted that a prayer may not be welcomed by all, therefore a moment of silence was suggested. After much discussion, it was decided to not include an invocation or moment of silence in the current resolution.

The second item was the use of telecommunication devices as a means of participation at a Council meeting. The Borough Code states that Council members may participate in this way however it would not pertain to the Mayor. After some discussion and reference to the Borough Code, it was decided to allow this section to remain except that it must stipulate that this is for Council members only.

The prohibiting of cell phone usage during a Council meeting by Council members, staff and visitors was discussed. This would not pertain to essential personnel such as the Police Chief, Fire Chief and Public Works Director. Mr. Garman indicated that he would like to see a notice prominently placed so that everyone entering the Chamber will either shut off their devices or silence them to prevent unnecessary distractions. Under certain circumstances such as a family emergency, this would not pertain however the individual should leave the room while they are using their cell phone. Mayor Rodriguez asked that he be exempted because he is involved in communications with police. Discussion ensued and it was felt that in an emergency situation, Chief Powell would receive all necessary communications. The Sunshine Law and Right-to-Know Law were also discussed as it pertains to this issue. Mr. Lincoln noted that he often uses his phone to look up additional information and he has no intention of ceasing this practice and would like the wording of this section to reflect this. Mr. Garman indicated that this section will require each individual to do the right thing and not use their phone as a means to discuss the topic at hand and he added that while

the integrity of this Council is not in question, it would ensure that future Council members conduct themselves in a respectful manner and are accountable for their actions. After much discussion it was decided that any suggestions on wording would be reviewed by Mr. Garman for discussion at the next Council meeting. Mr. Haws did note that in reviewing the proposed changes, there was nothing that seemed inappropriate.

- e. **Cumru Township Property** – Mr. Sichler was directed to write a letter concerning the property in question and he has written the draft however he asked that the Solicitors review it before it is sent. Mr. Haws indicated that his colleague Mr. Mooney had contacted Mr. Setley, the solicitor for Cumru Township who had indicated that there was a concern regarding the process of annexing property from one municipality to another. He suggested instead that an inter-municipal agreement that would allow policing by the Borough and that Cumru remit the taxes that are collected for the property. Mr. Wert said he had done some research and that annexing property is a weighty endeavor where both communities would have to hold a referendum and both agree to the change. There was a question concerning jurisdiction for Borough ordinances which will require more review. Mr. Sichler said he would follow up with Mr. Haws. Chief Burkholder spoke about the situation at that location which he said is a mess. He wants to see that area cleaned up before something happens to the fire members who respond to emergency calls at that location.

7. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Sichler introduced Charles (Chip) Haws with Barley Snyder who will be attending Council meetings although Keith Mooney will be the lead attorney. He noted that Mr. Mooney has a scheduling conflict on the third Tuesday of the month therefore Mr. Haws will be attending as a matter of routine. Mr. Sichler noted that contract for legal services that was in the Council packet as well as a draft letter to the former solicitor for the transfer of files.

Moved by Mrs. Kulesa and seconded by Ms. Craze to approve the contract for the Borough solicitor. **Motion carried 7-0.**

Moved by Ms. Craze and seconded by Ms. Kramer to send the letter to Kozloff Stoudt for the transfer of files. **Motion carried 7-0.**

Mr. Haws reported that he and Mr. Mooney had met with Borough staff on February 5, 2016 for background discussion. He and Mr. Mooney also reviewed the Council packet that was provided. Going forward, a written report will be provided for Council.

Mr. Sichler asked permission to task the new solicitors with the drafting of a revised pension ordinance for the non-uniform pension plan. This needs to be completed before a new pension administrator can be selected. As well, Mr. Wert asked that the legal review of the Subdivision and Land Development Ordinance be undertaken as soon as possible. He noted that the review had been started by the former solicitor but was not completed and that it may be needed for potential new development in the near future.

- b. **Engineer/Code Enforcement Report** – Mr. Unger reported the following:
- The MS-339 form for the Parkview Road Bridge was sent to the County for signing and will now be forwarded to PennDOT. They are also working on the RFP for the design/build of the bridge.
 - The hail damage work at the Fire Company will soon be complete. They will begin the work at the Hall immediately after.

- Regarding the Belovich development, Mr. Wert commented that the speed signs had not yet been installed and the silt sock had not been removed, as was previously discussed. Mr. Unger said he will follow up on this.
- The Narrow Holdings plans for 90 residential apartment units has been briefly reviewed and a letter submitted outlining the steps that will be required such as the special exception for the number of units, as well as other zoning relief that may be necessary. Mr. Hughes will be attending the next Planning Commission meeting to discuss it further. Mr. Wert noted that the project will require relief from the Zoning Hearing Board in order to proceed and asked Council for their input regarding the Borough becoming a party to the proceedings at the Hearing. He stated that he feels that this project is a very positive project for the Borough and will help move forward redevelopment projects in the Borough. He asked that once the Hearing is scheduled that Council decide whether or not to testify on behalf of the developer showing the Borough's support of the project. Discussion ensued regarding parking at that location of which there are several options as well as the Borough being able to support the project from a conceptual standpoint with the stipulation of it meeting certain requirements.
- Streetscape plans for the north side of Chestnut Street (400 block0), and the west side of S. 6th were displayed which includes a curvilinear grass median outlined in brick as well as street trees and ADA ramps (which will hopefully be funded privately). Mr. Rohrbach displayed a precast trench drain which will provide safer drainage which they hope to use however will be bid as a separate line item in the event that they are too costly.
- The Code Enforcement report was also included with the written report.

Moved by Mr. Lincoln and seconded by Ms. Thompson to accept the Engineer's Report. **Motion carried 7-0.**

8. BOROUGH MANAGER'S REPORT:

- a. **Snow Removal Costs** – Mr. Sichler reported that of the \$50,000 budgeted for snow removal (including salt purchases and outside contractors), \$40,203 has been spent so far, \$3000 of which was salt. Four separate contractors were utilized as a result of the monumental storm in January. He added that PEMA has stated that there may be federal funds available to reimburse municipalities for these emergency expenses therefore the preliminary damage assessment in the amount of \$26,544 has been submitted. If County and State thresholds are met as well as other criteria, reimbursement may be received.
- b. **Solicitor Contract & Transfer of Files** – This was previously discussed.
- c. **Hail Damage Repair Schedule** – As mentioned before, work will soon begin at the Hall. Parking will be restricted so Mr. Sichler asked for everyone's cooperation in keeping vehicles off the parking lot during the month long project.
- d. **Buttonwood Gateway Conceptual Design** – Mr. Wert stated that \$3000 had been budgeted for preliminary conceptual design work for the traffic circle/Buttonwood gateway. A proposal was requested from Mike Kautter of Kautter and Kelley Architects which has been received. Mr. Wert felt that before any design work is completed it would be important to as the community at large for their thoughts. Mayor Rodriguez said he has been in touch with property owners on Buttonwood Street regarding the proposed project and about the potential grant funds that may be available. Discussion ensued regarding involving the property owners to ensure they are all aware and are willing to be involved prior to any Borough funds being spent. Mr. Wert also noted that the scope of the work to be done by Mr. Kautter would cost far more than the budgeted

amount however because Mr. Kautter believes in the project he is willing to complete the task at a reduced rate. It was also noted that Mr. Kautter had done much of the design work for the Penn Avenue project in the late 1990s and is has a great design talent.

Moved by Mr. Lincoln and seconded by Ms. Kramer to execute the contract for the conceptual design in an amount not to exceed \$3000 with Kautter and Kelley Architects, subject to the architect agreeing to an open forum. **Motion carried 7-0.** Mr. Sichler was asked to contact Mr. Kautter concerning the meeting.

- e. **Borough Recycling Program** – Mr. Sichler provided Council with a copy of the recycling portion of our regulations as well as the current contract. He noted that the language was based largely on state regulations. Mr. Garman had requested the information based on some complaints that had been recently received and Mr. Sichler reviewed some of the information that deals specifically with these complaints such as recycling containers, and the ownership of the recycling prior to pick-up. Discussion ensued concerning the purchase of recycling containers and Mr. Sichler explained that without the state budget being approved, no funding has been received for the grant that was awarded however if Council wishes to move forward immediately, there are funds available for the purchase. Bins with integrated lids were also discussed and Mr. Sichler said he wrote the grant to include three different sizes in order to match the resident's need. Integrated lids were not included. Council at this point agreed to have the recycling bins ordered now.

Due to a prior engagement, Mrs. Kulesa left the meeting at this point (10:00 p.m.).
Mr. Sichler also noted that he had a personnel item for Executive Session.

Moved by Ms. Kramer and seconded by Ms. Craze to approve the Borough Manager's report. **Motion carried 6-0.**

9. **MAYOR'S REPORT:**

Mayor Rodriguez referred to his written report that was circulated just prior to the meeting and noted the following:

- A ribbon cutting had been held at 608 Penn Avenue
- A report on economic development will be included in the 'Mayor's Corner' in the upcoming Courier.

Moved by Mr. Lincoln and seconded by Ms. Thompson to approve the Mayor's Report.
Motion carried 6-0.

10. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Powell referred to his written report and noted that he had two items for Executive Session.

Chief Powell also noted that he had met with Matt Bloom, the CEO of a company called CRIMEWATCH which is a website development company specifically aimed at law enforcement. The cost of \$1200 per year would consolidate West Reading's Facebook, website etc. resources into one platform that will allow more control as well as security for the information provided. It will also be much more interactive and include a mapping tool. The cost is based on our population and the initial \$3600 set up fee would be waived. There are already 59 communities in Pennsylvania that already utilize this service and West Reading would become the second one in Berks County. He requested permission to move \$1200 from the police general fund into one of the computer

related line items to being this service. **Moved** by Ms. Craze and seconded by Ms. Thompson to move \$1200 from the general fund to appropriate computer line item. **Motion carried 6-0.**

Moved by Ms. Craze and seconded by Ms. Kramer to approve the Police Department Report. **Motion carried 6-0.**

- b. **Public Works** – Mr. Murray referred to his written report and in response to Ms. Craze’s question regarding the pumping station, spoke about the sewage grinding equipment called the ‘Muffin Monster’. He also spoke about the great amount of cooperation between the various departments in the Borough and staff. He thanked everyone who helped out during the storm including Mrs. Kulesa and Mrs. Moyer who prepared daily meals for the Borough crew during the extensive clean up after the storm. Mr. Garman commended Public Works for their work during the storm.

Moved by Ms. Craze and seconded by Ms. Kramer to approve the Public Works Director’s Report. **Motion carried 6-0.**

- c. **Fire Department** – Chief Burkholder referred to his regular report as well as the year-end report which were distributed to Council’s mailboxes. He noted that he used new software as mandated by the State for the reports which is why they do not have as much content. He hoped to have better knowledge of the software for the next Council report.

Moved by Ms. Craze and seconded by Ms. Thompson to approve the Fire Department Report. **Motion carried 6-0.**

- d. **West Reading Community Revitalization Foundation Elm Street and Main Street Manager’ Report** – Mr. Rohrbach referred to their written reports. There were no questions. Mr. Rohrbach noted the open house that will be held on Sunday for the PARR house at 6th and Wayne.

Moved by Ms. Kramer and seconded by Mr. Lincoln to approve the Elm Street and Main Street Managers’ Reports and the West Reading Community Revitalization Foundation Minutes. **Motion carried 6-0.**

11. **COMMITTEE/COMMISSION REPORTS:**

- a. **Recreation Commission** – Mrs. Moyer referred to her written report. She noted that she and Mrs. Kulesa had attended Planning Commission to discuss the construction of the concession stand and request a waiver. **Moved** by Ms. Craze and seconded by Ms. Thompson to waive the land development plan process. **Motion carried 6-0.**

Moved by Ms. Kramer and seconded by Ms. Thompson to approve the Recreation Commission Report. **Motion carried 6-0.**

- b. **Planning Commission** – Mr. Wert referred to the minutes of the January 14th and February 3rd meetings that were included in the packet as well as the February 11th minutes which were distributed just prior to the meeting. There were no questions. He noted that the Commission is about half way through the legal analysis.

Moved by Ms. Craze and seconded by Ms. Kramer to approve the Planning Commission report. **Motion carried 6-0.**

- c. **Economic Development Committee** – Mr. Wert referred to the minutes of the last meeting. There was some discussion concerning 246 Chestnut Street and it was noted that there has been some work completed on the property.

Moved by Mr. Lincoln and seconded by Ms. Kramer to approve the Economic Development Committee minutes. **Motion carried 6-0.**

- d. **Safety Committee** – Mr. Sichler stated that the meeting was brief but productive. Ms. Craze questioned an injury and asked if the liftgate was being used for trash pickup. Mr. Murray indicated that it is being used. It was also noted that there was a typo in the minutes, and that CPR training is being offered at \$75 for non-employees.

Moved by Ms. Craze and seconded by Mr. Lincoln to approve the Safety Committee report with the noted change. **Motion carried.**

- e. **Traffic and Infrastructure Committees** – Mr. Lincoln referred to the minutes and noted that four light posts with LED fixtures have been replaced on Penn Avenue. He said that as part of long term planning for Penn Avenue infrastructure they intend to replace all of the light with LED fixtures at a cost of \$1200 per light. This will reduce electricity costs substantially with payback in about nine years. He indicated that at budget time he will have a replacement plan for these fixtures.

Moved by Ms. Craze and seconded by Ms. Thompson to approve the Traffic Committee minutes of February 10th and the Infrastructure minutes of February 10th. **Motion carried 6-0.**

12. **TREASURER'S REPORT:**

- a. **Revenues with Comparison to Budget** – Due to a problem with the software that creates this report, the document was not available for the Council packets. It was recommended that the report not be approved until the March meeting in order to allow Council sufficient time to review the information.

- b. **Payment Approval Report** – There were no questions concerning this report.

Moved by Ms. Craze and seconded by Ms. Kramer to approve the Payment Approval Report for the periods of 1/20/2015 – 2/10/2016 and 2/11/2016 – 2/16/2016. **Motion carried 6-0.**

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 10:35 p.m. to discuss personnel and litigation. When the meeting reconvened at 11:05 p.m., the following actions were taken:

Moved by Ms. Craze and seconded by Mr. Lincoln to authorize the Borough Manager to proceed with the discussed settlement involving the Teamsters Union. **Motion carried 6-0.**

Moved by Ms. Craze and seconded by Ms. Kramer to advertise for the part time position of Police Administrative Aide. **Motion carried 6-0.**

Moved by Ms. Kramer and seconded by Ms. Craze to accept the resignation of Cheryl Willman, part-time Police Administrative Aide, effective as of February 19th, 2016. **Motion carried 6-0.**

14. **PUBLIC COMMENT:**

James T. Rogers said that he has repeatedly complained about a vehicle parking adjacent to a fire hydrant in 'The Villas' with no action being taken. Mr. Wert noted that because the streets in that development

have not been dedicated to the Borough, they are essentially private property which is why parking stall lines have not been painted, curbs not painted etc. Chief Powell said he had consulted with Captain Witman and Chief Burkholder of the Fire Department concerning the location of the hydrant and referred to a picture of that area. He noted that the hydrant's nozzle does not face the street currently but faces an access road that will allow fire apparatus to access that hydrant. The hydrant is also not located between the sidewalk and the street, but on the other side of the sidewalk, although it is within the 15 feet of the parking space as specified in the vehicle code. Chief Powell said that because of the current circumstances, and his discussions with the Fire Department, he would not ticket anyone parked on the street near the hydrant.

15. **ADJOURNMENT:**

Moved by Ms. Craze and seconded by Ms. Thompson to adjourn the meeting at 11:27 p.m. **Motion carried 6-0.**

Respectfully submitted,

Cathy Hoffman
Borough Secretary