

BOROUGH OF WEST READING – BOROUGH COUNCIL

August 19, 2014 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, August 19, 2014 with the following persons present: Council President James J. Gallen, Jr.; Vice President Philip C. Wert; Council Members Grace Craze, Carl Garman, Elizabeth L. Heckler, Deborah Hutcheson; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Elm Street Manager Dean L. Rohrbach; Public Works Director Dean E. Murray; Recreation Coordinator Helen Moyer; Borough Engineer Tom Unger; Administrative Assistant Cathy Hoffman. Council Member Nathalie R. Kulesa and Chief Code Enforcement Officer Tracey L. Levering were unable to attend.

VISITORS:

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| James T. Rogers | Resident |
| James & Karen Livingood | Residents |
| Ruth Cardell | Temple |
| Donald P. McCarthy | Resident |
| Mary E. Tiehl | Resident |
| Oswald Herbert | Resident |
| Bryce Matthews | Resident |
| Mark Wiebner | Resident |
| Amber Rambo | Resident |
| Rich Weiger | Resident |
| Roger Hinsey | Resident |
| Becca Gregg | Reading Eagle |
| Susan Henry | Reading |
| Robin Horman | Property/Business Owner |
| Judson Meinhart | Resident |
| Deb Driesbach | Reading |
| Sue Banford | Resident |
| Aimee Adams | Resident |
| Leann Wolf | Shillington |
| Thomas Urban | Resident |

1. **CALL TO ORDER:** Council President James Gallen called the meeting to order at 7:00 p.m. and noted that Council had previously convened for a Public Hearing at 6:30 p.m.
2. **PUBLIC COMMENT:**
Rich Weiger spoke about the bad traffic accidents that have occurred over the past few months at the intersection of 5th and Sunset. He said that drivers are not stopping or just drifting through the intersection and it is a very dangerous situation. He said that making the intersection a three way stop would be the ideal solution to ensure the safety of children who cross there and motorists.

Mary Tiehl complained about the new BBQ restaurant on Penn Avenue that uses a smoker to prepare their food. She said that the smoke from the smoker fills her apartment making it very uncomfortable for her and added that they started at 6:00 a.m. last week and as early as 2:00 a.m. recently. She asked that it be moved as soon as possible.

Tracy Hoffmann of Hoffmann Publishing introduced himself as the publisher of the 'Avenues' quarterly magazine that is currently distributed to many businesses in the area. 'Avenues' promotes the Borough as a destination location for shopping, eating and entertainment. He said he has sent correspondence to the Mayor to see if there is any interest in formalizing a financial agreement to provide more copies to borough residents. He said there are several levels of commitment:

- 1) provide 1000 magazines for residents to pick up at Borough Hall
 - 2) provide 2700 magazines to be mailed to each postal address in the Borough (approx \$1.25 each)
 - 3) possibly incorporate the Borough's newsletter information into the publication as needed.
- He said he could provide a more formal proposal for Council's consideration.

Mark Wiebner asked about recent vandalism and 'tagging' in the Borough. Chief Powell said that there is an active investigation and progress is being made.

James T. Rogers asked if there is a grease trap ordinance and if it is being enforced. Mayor Rodriguez said that this would be discussed under the Codes report.

Aimee Adams said she was in attendance along with Deb Driesbach from "No Nonsense Neutering", Judson Meinhart of the Animal Rescue League and Leanne Wolf of the Humane Society, concerning the negative comments about the feral cat program in West Reading. She said that the 'trap, neuter and return' program is the first of its kind in Berks County and wants to ensure that Council supports it. They said they have been distributing pamphlets to residents and talking to people about the program and wanted to ensure that people understand that it is a very humane approach to the feral cat problem. There was some discussion about an ordinance, however it was noted that the ordinance pertains to domesticated cats, not feral. It was also noted that Dr. Adams and Mr. Meinhart are residents of the Borough and Dr. Adams is a member of the Neighborhood Advisory Committee.

FIRE DEPARTMENT REPORT:

Chief Burkholder referred to his written report. It was noted that a map has been created for the Fall Festival indicating the areas that cannot be blocked to allow access for emergency apparatus. Mayor Rodriguez commended Chief Burkholder for taking on the project which will help ensure public safety.

Moved by Mrs. Heckler and seconded by Ms. Craze to approve the Fire Department report. **Motion carried.**

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Council meeting minutes of July 15, 2014. **Motion carried.**

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

- a. Ordinance 1032 – Handicapped Parking Space - Mr. Sichler noted that the handicapped space in the proposed Ordinance is located mid-block on Sunset Road near the intersection of Ann Street. **Moved** by Ms. Craze and seconded by Ms. Hutcheson to approve Ordinance 1032.

In favor of the motion – Ms. Craze, Mr. Garman, Mr. Wert, Mr. Gallen, Ms. Hutcheson

Against the motion – Mrs. Heckler (because of the location)

Motion carried.

- b. Ordinance 1033 – Curfew - There was some discussion regarding the curfew hours as well those who would be affected by the curfew. Chief Powell reiterated that the curfew ordinance has nothing to do with truancy and that it is simply a mechanism to keep school age children off Borough streets when they should be in school. There was a small change in Section 306 (d) where the word 'operator' should be read as 'establishment'. There was some further

discussion about Section 306 (b) concerning the parent receiving a citation and Mayor Rodriguez said that this was a concern for him. Chief Powell noted that this is not aimed at the parent but to take all possible measures to make the child comply. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve Ordinance 1033. **Motion carried.**

- c. Ordinance 1034 – Noise - There was some discussion concerning the time limitations for domestic power tools which at the last meeting was set from 8:00 a.m. to 9:00 p.m., Monday through Sunday. It was noted that it should actually be 7:00 a.m. to allow contractors to begin working when necessary therefore the start time was changed to 7:00 a.m. The ordinance will state that noise is prohibited from 9:00 p.m. until 7:00 a.m. daily. **Moved** by Ms. Craze and seconded by Mr. Wert to approve Ordinance 1034. **Motion carried.**
- d. Resolution 2014 – 9 Wyomissing Area School District - Mr. Gallen read a resolution that had been distributed to Council concerning the Borough not being represented on the school board. It was noted that since 1968 there have only been three members that have been from West Reading. Mayor Rodriguez noted that board members are currently elected 'at large' however this could be changed to incorporate three regions where each region could have three members, or each region could have two elected members and three others elected at large. It was noted that by signing the resolution, the Borough is not legally bound to any action, and the School Board is just being asked to voluntarily make the change. **Moved** by Mr. Garman and seconded by Mrs. Heckler to adopt Resolution 2014-9. **Motion carried.** The resolution will be sent to the Wyomissing Area School District School Board.

5. **UNFINISHED BUSINESS:**

- a. Public Hearing and Zoning Amendment Ordinance – A public hearing had been held immediately prior to the Council meeting and there were no outstanding issues to be resolved concerning the proposed Zoning amendments listed in the Ordinance. **Moved** by Mr. Wert and seconded by Ms. Craze to approve Ordinance 1035. **Motion carried.**

6. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker reported that the Belovich properties were sold back to the bank at the Sheriff's Sale. The bank will now be able to move forward with finding an investor to finish the development.
Moved by Ms. Hutcheson and seconded by Mr. Wert to approve the Solicitor's Report. **Motion carried.**
- b. Engineer's Report – Mr. Tom Unger noted that a preconstruction meeting had been held with A.H. Moyer for the Kent Way project. The project will begin on September 8 and should be substantially completed in 60 days and completely finished within 90 days.

Moved by Ms. Craze seconded by Mr. Wert to approve the Engineer's Report. **Motion carried.**

Code Enforcement – Mr. Unger reported that the department remains very busy with a lot of permits being issued. Of particular note were the following:

- Codes has been in contact with the owner of the business on Penn Avenue concerning complaints about the meat smoking equipment being used. A hood with a six foot extension has been ordered in an attempt to move the smoke away from adjacent homes/apartments. Mr. Unger noted that there is a performance ordinance and if the business doesn't meet the requirements, they will be cited. All options are being explored in an attempt to work with the business.
- A recent sewer backup has been a cause for discussion concerning grease traps. There is

an ordinance in place and a letter will be sent to all restaurants concerning the requirements contained in the ordinance. Inspectors will meet with owners and inspect the premises to ensure they are abiding by the ordinance. This pertains to all businesses that prepares or serves food in the Borough.

- A search warrant has been obtained for the property at 425 Chestnut Street and the Borough is ready to begin the process in accordance with Act 90. It was noted that the process will be a long one.
- An administrative search warrant is being sought for the property at 417 Franklin Street to allow entry under the Blighted Property Conservatorship. The property currently meets two of nine of the criteria for a blighted property. Mr. Becker said he would speak with Codes personnel to prepare an affidavit with probable cause to submit to the District Justice.

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Code Enforcement Officer's Report. **Motion carried.**

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

- a. 2013 Streets Project – Payment Application #2 – Mr. Sichler reminded Council about the scope of work completed last year and the final punch list items completed this year. He said that Great Valley Consultants has recommended approval for payment of application #2 as well as the retainage which totals \$13,787.38. **Moved** by Ms. Craze and seconded by Mrs. Heckler to approve payment to Burkholder Paving in the amount of \$13,787.38. **Motion carried.**
- b. Kent Way Water Main Project – The preconstruction meeting was held and they are ready to move forward.
- c. 2014 Recycling Grant Application – Mr. Sichler provided details concerning the grant application that had been submitted on August 15th. The grant includes requests for the following items:
 - 45 Recycling containers for community events (35 gallon with lids)
 - Enclosed trailer to store and deliver the community events recycling containers
 - 6 yard container to collect recyclables at the public works yard and store until pickup. The increase in recycling will have a positive effect on the annual Performance Grant.
 - 45% reimbursement for the 2.5 ton dump truck (purchased last year) which is used during the curbside leaf pickup. This vehicle is used for other purposes which is why reimbursement cannot be calculated at 100%.
 - Back hoe purchase at 45% reimbursement which will be used to move yard waste as well as other non-recycling purposes
 - Purchase of 800 - 25 gallon curbside recycling totes with lids and 250 - 18 gallon containers for smaller households and senior citizens. Containers will be exchanged on an as needed basis.
 - Purchase of a ¾ ton truck with lift gate to transport the enclosed trailer (45% reimbursement). This is budgeted to be purchased this year and will not be funded through the grant but will count as the 10% match.
 - Lift gate purchase (45% reimbursement) to lift containers into the truck

The total amount of grant funds being sought is \$103,286 with the total out of pocket expense being \$1000 should the grant be awarded as noted above. **Moved** by Mr. Garman and seconded by Ms. Craze to approve the 2014 Recycling Grant Application. **Motion carried.**

- d. Salt Purchase – Mr. Sichler said that last winter the Borough only had one salt source which at times was a concern so this year having two sources would be preferred. He asked Council's permission to sign on with the City in addition to the State's Co-Stars contract. He noted that the City will bid it out and about 50 other municipalities in the County will piggy back as well. **Moved** by Ms. Craze and seconded by Ms. Hutcheson to add another supplier for salt purchases.

Motion carried.

Moved by Mr. Wert and seconded by Mrs. Heckler to approve the Borough Manager's Report.

Motion carried.

8. **MAYOR'S REPORT:**

Mayor Valentin Rodriguez referred to his written report and spoke about the following:

- On July 22nd he swore in part time Officer Amy Kuhrmann.
- A meeting was held on July 22nd with DCED District Director Gary Baker concerning the re-designation of Main Street.
- On July 24th, as part of a Personnel Committee meeting, he and Mr. Sichler met with a representative of Tompkins Insurance concerning the updating of the Employee Handbook and the Sexual Harassment Policy. Training of staff was also discussed.
- On July 30th Personnel met again.
- August 5th was the National Night Out event which was well attended and a great success. Kudos to Officer Karie Good.
- A Mayor's Advisory Meeting was also held to discuss the possibility of turning over the responsibility for repairing/replacing curbing to the Borough. Information is needed concerning the cost of repairs. Once preliminary information is received, it will be discussed further.

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

9. **DEPARTMENT REPORTS:**

- b. Police Department – Chief Powell noted the following in addition to his written report:

- Laney's Legacy of Hope Fashionista 5k which is scheduled for August 31st, has already reached their cap at 750 participants. West Reading Fire Police have volunteered to handle the street closures which will minimize the impact on the Police Department.
- The Radio Management Users' Agreement will allow the Borough to obtain the software to update all Borough radios thereby saving substantial funds. The County will provide the software and cables necessary to complete the updates as necessary. **Moved** by Ms. Craze and seconded by Mr. Garman to authorize the execution of the agreement. **Motion carried.**
- There have been 'quality of life' incidents at the Pavilion. Residents along Sycamore have been contacted and asked to report anything unusual that they see going on in the Park. The video cameras have picked up some activity but nothing destructive at this point.
- In response to Mr. Weiger's concern, officers will be monitoring the intersection at 5th and Sunset. Possible solutions will be discussed at the Traffic Committee meeting.
- CI Brown is requesting permission to attend Edinboro University (online) and be reimbursed in accordance with the new contract. This will not impact the 2014 budget because once a course is completed, grades must be submitted before reimbursement is made. **Moved** by Ms. Craze and seconded by Mr. Garman to authorize CI Brown's request. **Motion carried.**

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

- c. Public Works – Mr. Murray had nothing to add to his written report. It was noted that the summer students have completed their term.

Moved by Mrs. Heckler and seconded by Ms. Hutcheson to approve the Public Works Director's report **Motion carried.**

- d. Fire Department – Chief Burkholder had presented his report earlier, however the resignation of the Fire Marshall had not been addressed. **Moved** by Mr. Wert and seconded by Mrs. Heckler to approve the resignation of Jason Ganster as Fire Marshall and appoint him as Deputy Fire Marshall. **Motion carried.**

Moved by Mr. Garman and seconded by Mrs. Heckler to approved Chad Marks as the Fire Marshall. **Motion carried.** It was noted that he had previously been the Deputy Fire Marshall and was qualified to take on this role.

- e. Elm Street – There were no questions for Mr. Rohrbach concerning his written report.

Moved by Ms. Craze and seconded by Ms. Hutcheson to approve the Elm Street Manager's Report. **Motion carried.**

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Helen Moyer asked for Council's guidance concerning an issue at the pool where patrons, some repeatedly, enter the pool wearing street clothing. This has a negative impact on chlorine and pH levels of the pool water thereby creating a hazard for swimmers. She noted that the PA State Health Code will be banning street clothing in all public pools effective August 29th. It was also noted patrons are given the opportunity to change their clothing and return to the pool however the Recreation Commission has recommended that once two warnings have been given the individual should be banned for the remainder of the season. More lenient measurers were proposed such as a 2 week suspension for the second offense however after much discussion it was **Moved** by Ms. Craze and seconded by Ms. Hutcheson to give two warnings and then ban the individual for the remainder of the season. **Motion carried.** It was noted that this pertains to residents/non-residents and members/non-members. Per Mr. Wert's suggestion, more information will be placed of the membership forms and patrons will be reminded verbally of the dress code at the beginning of the season.

It was also noted that there are currently two vacancies on the Commission. Members are removed after three unexcused absences therefore Amber Elsasser and Casey Tharp are no longer members of the Recreation Commission.

Moved by Ms. Craze and seconded by Ms. Hutcheson to approve the Recreation Commission minutes. **Motion carried.** (Minutes of July 1 and July 22, 2014)

- b. Environmental Advisory Council – There were no questions concerning the minutes of July 28th which had been prepared by member Jim Keller. It was also noted that Peter Gustis had resigned from the Environmental Advisory Council therefore there is a vacancy.

Moved by Ms. Hutcheson and seconded by Mr. Wert to approve the Environmental Advisory Council. **Motion carried.**

- c. Safety Committee – There were no questions concerning the report.

Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Safety Committee report. **Motion carried.**

- d. Economic Development Committee – Ms. Hutcheson referred to the minutes and then asked Mr. Becker for an opinion regarding the use of a realty company to assist the Committee in cataloguing available properties in the Borough. There was a concern that if a particular realtor is chosen to assist with the project, that there might be assertions of favoritism. Mr. Wert noted that their intent is to live stream West Reading listings into the ‘Love West Reading’ site. Mr. Becker stated that choosing a realtor to work with is a professional service and the Committee can choose whomever they wish however his guess is that posting the listings would have to be done through the MLS real estate service which would require their approval. As a final note, Ms. Hutcheson reported that the A-Z Vacuum building has been sold.

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

11. **TREASURER’S REPORT:**

- a. **Moved** by Ms. Craze and seconded by Mr. Wert to approve the Revenues with Comparison to Budget Report for the 7 months ending 7/31/2014. **Motion carried.**
- b. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to approve Payment Approval Report for 7/16/2014 – 8/14/2014 and 8/15/2014 – 8/19/2014. **Motion carried.**

12. **PUBLIC COMMENT:**

Amber Rambo thanked Mr. Murray for repainting the lines for the turn lane on Parkside Drive N. She also asked about the lack of stall lines near the corner of 7th and Penn and Mr. Murray said that PennDOT usually repaints the stall lines on Penn Avenue however this has not been done recently. He did note that the Borough had placed temporary lines but they have faded.

Ms. Rambo also spoke about the planters on Penn Avenue that are so close to the street that car doors can’t be opened. Mayor Rodriguez said that the Codes Department should be able to address this issue with the owners in question.

Ms. Rambo also mentioned the ‘smoker’ on Penn Avenue; residents leaving food out for cats which are attracting skunks and possums; and trash cans not being used and enforced on a regular basis.

Jim Rogers asked why dogs are being allowed on the playground when it is posted as being prohibited and Mrs. Moyer responded that summer staff have been asking people to leave when they observe this happening. She also noted that the signage prohibiting dogs is not large enough and may be missed.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:10 p.m. When the meeting reconvened at 9:33 p.m., no action was taken.

14. **ADJOURNMENT:**

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to adjourn the meeting at 9:33 p.m. **Motion carried.**

Respectfully submitted,
Cathy Hoffman
Administrative Assistant