

## **BOROUGH OF WEST READING**

### **BOROUGH COUNCIL MEETING**

**April 16, 2019 – 7:00 p.m.**

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, April 16, 2019 with the following persons present: Council President Nicholas Imbesi; Council Vice President Philip Wert; Council Members Christopher Lincoln, Suzanne Thompson, David Amato, Nicholas Gardecki; Mayor Andrew Kearney; Solicitor Charles Haws; Police Chief Stephen Powell; Public Works Director Dean Murray; Recreation Director Helen Moyer; Engineer Tom Unger; Fire Chief Mark Burkholder; Main Street Manager Mark Ratcliff; Treasurer Jeanette Rentschler; Borough Manager Cathy Hoffman and Assistant Borough Secretary Cynthia Madeira.

<b>VISITORS:</b>	Oswald Herbert	Resident
	Susan Fisher	Resident
	Nathalie Kulesa	Resident
	Jason Ulrich	Resident
	Douglas Zeeger	Resident
	Karen Livingood	Resident
	Patrick & Samantha Kaag	Residents
	Jack Gombach	Resident
	Logan Steffy	Resident
	Troy Hatt	Fire Code Official

1. **CALL TO ORDER:** Council President Nicholas Imbesi called the meeting to order at 7:00 p.m., which was followed by the Pledge of Allegiance.
2. **SWEARING IN OF POLICE SERGEANT:** Mayor Andrew Kearney swore in Officer Wayne Holben as Police Sergeant.
3. **CONDITIONAL USE HEARING:** Mr. Imbesi reported a Conditional Use Hearing was held prior to the meeting that pertained to signage at the Knitting Mills Building 202, which was approved with stipulations.
4. **COUNCIL CANDIDATE INTERVIEWS:** Mr. Imbesi noted four letters of interest were received to fill the Council vacancy, and stated that Mr. Edwin Gonzalez was unable to attend due to a business trip. Also, Mr. Imbesi noted that tonight's appointment to Council would begin this evening and expire on December 31<sup>st</sup>, and that anyone who is interested in filling the remaining two-year term would need to petition their political party to be placed on the ballot in November. The candidates that were in attendance were requested to share information regarding their background and answer any questions that Council members may have.

**Jack Gombach (105 S. Fifth Avenue)** – Mr. Gombach thanked Council members for their service to the community and expressed his desire to ensure continued growth within the community. Mr. Gombach noted his political background and ongoing service on the Reading Area Community College Board of Trustees.

Ms. Thompson inquired as to his length of residency and reason for not campaigning in the 2019 election. Mr. Gombach stated he has resided in West Reading for a little more than one year and his disinterest in the politics associated with campaigning.

**Patrick Kaag (418 Playground Drive)** – Mr. Kaag shared that he has resided in West Reading for approximately ten years and currently serves on the Environmental Advisory Council and Shade Tree Commission. Mr. Kaag would like to offer his skills to the community as part of his civic duty.

Mr. Wert inquired as to Mr. Kaag's interest to also serve a four-year term since his name is currently on the ballot. Mr. Kaag stated he is currently campaigning for a four-year term and is also interested in being appointed this evening.

**Logan Steffy (627 Franklin Street)** – Mr. Steffy noted his purchase of a home in West Reading in December of 2017 because of the uniqueness of the urban/suburban community. Mr. Steffy stated he would like to assist with the impressive, positive growth within the community and would donate any compensation received to Love West Reading.

Mr. Imbesi asked if he would petition the political party to run for election in the fall. Mr. Steffy indicated that he would like time to determine if he would be a suitable fit on Council prior to running for election.

**Edwin Gonzalez (706 Holland Square)** – Mr. Imbesi noted that Mr. Gonzalez regretted being unable to attend the interview this evening and allowed everyone to review his resume to ensure fairness during the interview process. Mr. Lincoln asked if his job requires a lot of travel, Mrs. Hoffman indicated that this was a unique circumstance. Ms. Thompson asked if he has resided in the Borough for more than one year, Mrs. Hoffman confirmed that he has.

This concluded the interview process and Mr. Imbesi requested a nomination. Mr. Wert nominated Patrick Kaag to be appointed as a member of Borough Council. Mr. Amato seconded the motion.

**Motion carried 6-0.**

Mayor Kearney swore Mr. Kaag in as a member of Borough Council and Mr. Kaag took a seat at the Council table. Mr. Imbesi thanked everyone who expressed an interest in serving on Borough Council, and noted vacancies on other boards and hopes they continue to pursue opportunities to volunteer for the community.

Mr. Imbesi then performed a Roll Call, which had been missed at the beginning of the meeting.

5. **PUBLIC COMMENT:** Oswald Herbert spoke about changes to the business privilege tax and provided Council with a copy of a rental business privilege/mercantile tax form from 2018 and 2019. The rates indicated for the rental and service taxes were reduced from 1.5 mils to 0.75 mils. Mr. Herbert expressed concern regarding possible language impositions within Ordinance 1101, enacted in December of 2018 that could potentially challenge remittance of the rental and service taxes. Mr. Imbesi noted the Wyomissing School District's request to amend the Borough's Business Privilege Tax Ordinance to mimic their business privilege tax. Members of Council had inquired with the solicitor as to any potential negative impact that could result in an amendment to a legacy tax and were assured that nothing would change. Mr. Imbesi noted recent communication with Berks EIT to resolve this matter.

6. **APPROVAL OF COUNCIL MINUTES:**

Motion to approve the March 19, 2019 Council minutes. **Moved** by Mr. Lincoln and seconded by Mr. Amato. **Motion carried 7-0.**

7. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance 1109 Intergovernmental Fire Inspection Agreement** – A cooperative agreement with the Township of Spring to provide fire inspection services for commercial properties located within the Borough of West Reading.

Motion to adopt Ordinance 1109. **Moved** by Ms. Thompson and seconded by Mr. Lincoln.

**Motion carried 7-0.**

- b. **Resolution 2019-3 Appointment of Councilman** – A resolution appointing Patrick Kaag to fill the vacancy on Borough Council.

Motion to approve Resolution 2019-3. **Moved** by Ms. Thompson and seconded by Mr. Amato.  
**Motion carried 7-0.**

- c. **Resolution 2019-4 Fee Schedule Amendment** – Amendments to the fee schedule, which include the addition of an hourly rate to cover commercial fire inspection services; revision to the public right-of-way license fee; an increase to the pavilion rental fees for both residents and non-residents; an increase to the playground half day and full day program fees; the addition of a metered parking rate of \$1.00 per hour.

Motion to approve Resolution 2019-4. **Moved** by Mr. Amato and seconded by Ms. Thompson.  
**Motion carried 7-0.**

8. **CONSULTANT’S REPORTS:**

- a. **Solicitor’s Report** - Mr. Haws referred to the written report and there were no comments.

Motion to approve the Solicitor’s report. **Moved** by Mr. Lincoln and seconded by Mr. Wert.  
**Motion carried 7-0.**

- b. **Engineer/Code Enforcement Report** – Mr. Unger referred to the written report and noted the Fifth Avenue/Museum Road Paving Project has been delayed due to a breakdown at the plant. The Pine Street water infrastructure improvement project is on schedule to receive bids, with the ability to award the contract during the May or June Council meeting. Paving of this roadway is planned during 2020 for budgeting purposes and to allow UGI to improve their gas main prior to paving.

Motion to approve the Engineer/Code Enforcement report. **Moved** by Mr. Lincoln and seconded by Mr. Amato. **Motion carried 7-0.**

Mr. Unger and Mr. Haws departed the meeting at 7:33 p.m.

9. **BOROUGH MANAGER’S REPORT:** Mrs. Hoffman had nothing new to report.

Motion to approve the Borough Manager’s report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

10. **MAYOR’S REPORT:** Mayor Kearney noted receipt of a \$7,000 check from the West Reading Love Team for proceeds from the Designer Bag Bingo event to purchase a police vehicle. This brings the total raised to \$12,000. Also, Mayor Kearney thanked Mr. Gombach and Mr. Steffy for their interest in serving on Council and asked them to maintain their interest in serving.

Motion to approve the Mayor’s report. **Moved** by Ms. Thompson and seconded by Mr. Lincoln.  
**Motion carried 7-0.**

11. **COUNCIL PRESIDENT’S REPORT:** Mr. Imbesi thanked the Fire Chief and the volunteer firefighters for their efforts in quickly distinguishing the recent house fire on Sycamore Road. Mr. Imbesi also thanked the Recreation Department for the Easter Egg Hunt last weekend that was a huge success.

- a. **Resolution 2019-5 Opposition to House Bill 349 of 2019**– Mr. Imbesi explained his opposition to House Bill 349 of 2019 that was introduced by a House member whom had an issue with a code enforcement officer. The Bill would require municipalities to retain two or more third-party code enforcement agencies to allow homeowners to choose an agency to administer and enforce the

Uniform Construction Code (UCC). The utilization of two third-party agencies would create conflicts in the administration of code enforcement as well added costs to the Borough. Should Council decide to pass this resolution the official document would be mailed to Senator Judy Schwank's office to introduce to the committee that is assigned to decide on this Bill.

Motion to approve Resolution 2019-5. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki.  
**Motion carried 7-0.**

- b. **Voting Precincts** – The Board of Elections provided two options to re-align the voting precincts to remain below an optimal number of 1,200 registered voters in each precinct. The option to divide precincts from Penn Avenue to Fifth Avenue, south to Museum Road seemed to be the more desirable option, however the east side would total 1,365 and the west side 1,153. Mr. Imbesi requested to be placed on the Board of Elections agenda to discuss these options further.

Motion to approve the Council President's report. **Moved** by Ms. Thompson and seconded by Mr. Lincoln. **Motion carried 7-0.**

## 12. DEPARTMENT REPORTS:

- a. **Police Department** – Chief Powell referred to his written report and noted the following:
- Recently two handicapped parking space applications were received. The Traffic and Infrastructure Committee is currently reviewing changes to this policy and it was suggested to wait until the May Council meeting to allow time to review the applications with regards to policy changes.
  - A number of complaints have been received regarding speeding. Chief Powell spoke of the difficulty local police departments have to appropriately monitor speeds on small urban roadways. Mr. Lincoln indicated that studies could be performed and if the data shows a need to lower the speed limit all alleys could potentially be lowered from 25 to 15 miles per hour. Mr. Imbesi thanked the Police Department for their efforts to limit speeding within the Borough.

Motion to approve the Police Department report. **Moved** by Mr. Amato and seconded by Mr. Lincoln. **Motion carried 7-0.**

- b. **Public Works** – Mr. Murray referred to the written report and noted the 2011 Dodge Charger auction currently has a bid of \$2,100. Mr. Murray requested preapproval to accept the winning bid, which ends next week.

Motion to preapprove the winning bid on the 2011 Dodge Charger. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 7-0.**

Mr. Murray also noted the Fire Department's washer and dryer is currently up for auction and has a bid of \$200, final bid information will be provided during next month's meeting.

Mark Ratcliffe joined the meeting at 7:53 p.m.

Mr. Imbesi thanked the Public Works Department for their cost saving repairs to the storm sewer at Second and Chestnut Streets. Mr. Murray also noted repairs to the collapsed terra cotta sewer main along Linden Lane.

Motion to approve the Public Works Department report. **Moved** by Ms. Thompson and seconded by Mr. Lincoln. **Motion carried 7-0.**

- c. **Fire Department** – Chief Burkholder referred to the written report and noted the recent structure fire at 212 Sycamore Road that was contained to the 2<sup>nd</sup> floor, front bedroom. The cause was deemed to be accidental, and cost estimates to repair the structure at 212 Sycamore Road is approximately \$30,000 and the two neighboring homes approximately \$10,000 each for smoke damage. It was asked if smoke detectors were operating in the home at the time of the fire and Chief Burkholder stated that he personally installed smoke detectors at this home last year, as requested by the occupants.

Motion to approve the Fire Department report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 7-0.**

- b. **West Reading Community Revitalization Foundation** – Mr. Ratcliffe noted the following:
- The Main Street office should be moved to the new location by the end of the month.
  - The parking kiosk is scheduled to arrive at the end of the month. Painting numbers within the parking lot should be completed in the near future.
  - The Board is fine-tuning the Planning RFP and hopes to have information posted at the end of the month.

Motion to approve the West Reading Community Revitalization Foundation report. **Moved** by Mr. Amato and seconded by Mr. Wert. **Motion carried 7-0.**

### 13. COMMITTEE/COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer referred to the written report and noted the following:
- The sale of Easter eggs, flowers and pictures last weekend netted a profit of approximately \$597.
  - Tickets are currently available for the upcoming Father-Daughter dance; the theme this year is “Under the Stars”.
  - Mrs. Moyer requested approval to hire three additional lifeguards, pending certification at \$8.25 per hour and one front desk person at \$7.25 per hour.

Motion to approve the hiring of Julia Gehris, Julia Peticca and Allison Settler as lifeguards, pending certification at \$8.25 per hour and Casey Owens for the front desk at \$7.25 per hour. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

Motion to approve the Recreation Commission report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

- b. **Planning Commission** – Mr. Wert noted the Commissions review of the Tower Health signage, transient retail ordinance and zoning district line revisions. The Solicitor and Berks County Planning Commission will review the zoning ordinance revisions prior to bringing a recommendation to Council.

Motion to approve the Planning Commission report. **Moved** by Mr. Lincoln and seconded by Mr. Amato. **Motion carried 7-0.**

- c. **Economic Development Committee** – Mr. Wert noted a presentation by Kautter and Kelly Architects for the conceptual design of the Buttonwood Gateway project. The plan is being revisited to potentially secure a multimodal grant with a deadline of July 31<sup>st</sup>. Information will be provided to the Planning Commission for review.

Ms. Thompson requested clarification on the Buttonwood Gateway Conceptual Design project since the new discussion appears to be an event meeting space. Mr. Imbesi stated the Greater Reading Chamber Alliance asked if there were any upcoming plans for this area since there is a multimodal grant available with a 0% match requirement. Ms. Thompson expressed concern about a meeting space in the middle of a traffic circle. Traffic calming options would need to be reviewed. Mr. Murray requested to be included in discussions pertaining to revisions to the traffic circle due to underground utility placement.

Mr. Wert also noted a few new businesses will be opening in the near future, such as the Beer Wall and the West Reading Motor Club. The overall sale of residential/commercial properties is still very brisk and prices have been stable.

Motion to approve the Economic Development Committee report. **Moved** by Mr. Amato and seconded by Mr. Gardecki. **Motion carried 7-0.**

Mark Ratcliffe departed the meeting at 8:17 p.m.

- d. **Environmental Advisory Council** – Mr. Wert stated discussions primarily pertained to the Community Garden and Earth Day cleanup coordination. The Community Garden cleanup occurred last Sunday, there were approximately 20 people present and a number of maintenance items were addressed. The Earth Day cleanup is scheduled on Sunday, April 28<sup>th</sup> to concentrate on litter cleanup around the neighborhoods, Penn Avenue and cloverleaf areas. An educational program is being coordinated with the Recreation Department. Also, a \$100 has been donated to the Berks County Conservation District.

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

- e. **Traffic & Infrastructure Committee** – Mr. Lincoln noted that a member of St. James Church attended the March meeting to request a temporary loading zone on Cherry Street to help facilitate their food bank work. The request is for Saturday evenings from 4:00 p.m. to 6:00 p.m. Mr. Murray reviewed the area requested and indicated there is currently a pole in place for signage. The Committee made a recommendation to Council to approve this request.

Motion to authorize advertisement of an amendment to Section 430-27, entitled "Special Purpose Parking Zones" to allow a temporary loading zone on the north side of Cherry Street. **Moved** by Mr. Wert and seconded by Ms. Thompson. **Motion carried 7-0.**

Mr. Lincoln also noted review of the handicapped parking space policy, which currently only allows approval of spaces at the end of the block. Discussion ensued as to why this limitation is in place, it was suggested to review minutes from approximately ten years ago. Currently there is no recommendation from the Committee at this time, consideration is being given to allow placement of handicapped spaces mid-block, however still limit the number of spaces per block. Council discussed legal ramifications in limiting the number of spaces and requested comments from the Solicitor. Mr. Lincoln stated should policy discussions continue beyond next month's Traffic meeting, the two new handicapped parking space applications should be acted upon next month.

Penn Avenue parking discussions are ongoing; with delivery and installation of the kiosk occurring in the near future the Committee wants to ensure the program runs as smoothly possible. Walker Parking Consultants has provided a proposal for an hourly rate to review the plan and provide guidance such as placement of way finding signage. The proposal is at a rate of \$220 per hour not

to exceed 40 hours or \$8,800. Mr. Wert requested an anticipated amount of time needed for this review. Council agreed to approve 20 hours, with the option to discuss additional time as needed.

Motion to approve Walker Parking Consultants services to review the Penn Avenue parking program not to exceed 20 hours or \$4,400. **Moved** by Mr. Gardecki and seconded by Mr. Wert.

**Motion carried 7-0.**

An amendment to the ordinance regulating the metered parking fine was discussed. Current regulations assess a \$25 fine for overtime parking and it was suggested to lower this fine to \$15.

Motion to authorize advertisement of an ordinance to amend Section 430-73, entitled "Violations and Penalties" of Article VII entitled, "Off-Street Metered Parking" to lower the metered parking fine to \$15 per violation. **Moved** by Mr. Wert and seconded by Mr. Gardecki. **Motion carried 7-0.**

Mr. Wert inquired as to ordinance amendment requirements for the addition of two parking spaces along the 000 blocks of north and south Seventh Avenue. Mr. Lincoln indicated that due to existing parking spaces ordinance revisions would not be needed. Mr. Murray stated after further review of bus traffic patterns, it might be advisable to add one space per side.

Motion to approve the Traffic & Infrastructure report. **Moved** by Mr. Amato and seconded by Mr. Gardecki. **Motion carried 7-0.**

- f. **Shade Tree Commission** – Mr. Murray referred to the minutes of April 1, 2019 and offered to answer any questions. Mr. Wert thanked the Public Works Department for adding the spotted lanternfly bands around the Borough trees. Mr. Wert inquired as to a tree-planting schedule since it has been unusually warm this spring. Mr. Murray indicated plans to meet with a tree supplier in the near future.

Motion to approve the Shade Tree Commission report. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 7-0.**

- g. **Safety Committee** – Mr. Murray referred to the minutes and there were no further comments.

Motion to approve the Safety Committee report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 7-0.**

- h. **Finance Committee** – Mr. Imbesi noted the following:

- Review of the Tower Health PILOT agreement, which expires at the end of 2019.
- Transfers of special funds, which are done on a quarterly basis.
- Approximately \$450,000 of special reserve funds would be available to reinvest on April 18<sup>th</sup> in the PLGIT account. The Museum Road paving project would require an expenditure of \$250,000 in the near future, however the \$200,000 allocation for the Pine Street Water project would not be needed until the summer months. The Committee recommended investing \$200,000 in a three-month account at a rate of 2.45%.

Motion to invest \$200,000 of special reserve funds into a PLGIT account for three-months at a rate of 2.45% interest. **Moved** by Ms. Thompson and seconded by Mr. Amato. **Motion carried 7-0.**

- Electricity rates were discussed with a representative of AEP. It was recommended to renew the 36-month contract early with AEP at a rate of \$0.05337 per kilowatt-hour.

Based on the annual electric usage of all Borough buildings and streetlights, there is the potential to save \$9,000 annually.

Motion to enter into a 36-month contract with AEP at an energy rate of \$0.05337 per kilowatt-hour and authorize the Borough Manager to execute the contract. **Moved** by Ms. Thompson and seconded by Mr. Gardecki. **Motion carried 7-0.**

Motion to approve the Finance Committee report. **Moved** by Mr. Lincoln and seconded by Mr. Amato. **Motion carried 7-0.**

**14. TREASURER'S REPORT:**

- a. **Payment Approval Report 3/20/19 to 4/10/19 & 4/11/19 to 4/16/19** – Ms. Thompson inquired as the Main Street Operating Expense 01-465-300, which describes this transaction as a reimbursable operating expense per agreement and requested a copy of the agreement. Mrs. Rentschler stated this description is captured from the invoice submitted by the West Reading Community Revitalization Foundation (WRCRF) and this expenditure is the 1<sup>st</sup> quarter reimbursement of operating expenses as budgeted. Ms. Thompson again requested a copy of the agreement; Mr. Imbesi stated a written agreement is not required as this is a budgeted expenditure. Mrs. Rentschler stated a monthly description of the WRCRF accounts payable is provided for record keeping purposes.

Ms. Thompson suggested in the absence of a cooperation agreement that an agreement between the Borough and the WRCRF be created to require receipts for reimbursement of administrative expenses. Mrs. Rentschler stated in lieu of individual receipts, a detailed invoice is provided.

Ms. Thompson made a motion that an agreement is made between the Borough of West Reading and the WRCRF to memorialize in writing that the WRCRF produce a detailed invoice on a quarterly basis to the Borough in order to reimburse the WRCRF up to the budgeted amount of \$42,000. There was no second to the motion and therefore the motion failed.

Motion to approve Payment Approval report 3/20/19 to 4/10/19 & 4/11/19 to 4/16/19. **Moved** by Mr. Gardecki and seconded by Mr. Amato. **Motion carried 7-0.**

- b. **Financial Statement Ending 3/31/19** – There were no comments.

Motion to approve the financial statement ending 3/31/19. **Moved** by Mr. Gardecki and seconded by Mr. Lincoln. **Motion carried 7-0.**

- c. **2018 DCED Audit Report** – Mrs. Rentschler stated there were no findings in this report and it was unnecessary for Maillie to attend a Council meeting to present the audit.

Motion to accept the 2018 DCED Audit performed by Maillie. **Moved** by Ms. Thompson and seconded by Mr. Lincoln. **Motion carried 7-0.**

- d. **2018 Tax Collector Audit Report** – Mrs. Rentschler stated there also were no findings in this report.

Motion to accept the 2018 Tax Collector Audit performed by Maillie. **Moved** by Mr. Lincoln and seconded by Mr. Amato. **Motion carried 7-0.**

Mr. Imbesi thanked Mrs. Rentschler for her efforts with the Finance Committee.

- 15. EXECUTIVE SESSION:** Council recessed to executive session at 9:02 p.m. to discuss personnel and possible litigation items. Council reconvened at 9:20 p.m. and Mr. Imbesi noted an action item.



Motion to accept a settlement with the Civil Service Appeal for the last promotional period. **Moved** by Mr. Lincoln and seconded by Mr. Gardecki. **Motion carried 7-0.**

**16. PUBLIC COMMENT:**

Oswald Herbert commented on the street sweeping program, he stated in the past if a vehicle were parked on the street when the sweeper came through the vehicle would not be ticketed until the second pass of the sweeper. Chief Powell stated if the vehicle were moved before the street sweeper came through, a ticket would not be issued, however, if the street sweeper had to go around a parked vehicle, a ticket would be issued.

Also, Mr. Herbert stated that due to the amount of money at stake regarding the Business Privilege Tax he prepared a written statement that he requested to be entered into the record. Review of the statement is needed and Council would need to vote on entering the statement into the record.

**17. ADJOURNMENT:**

Motion to adjourn the meeting at 9:24 p.m. **Moved** by Mr. Lincoln and seconded by Mr. Amato. **Motion carried 7-0.**

Respectfully submitted,

Cynthia Madeira  
Assistant Borough Secretary