

BOROUGH OF WEST READING

BOROUGH COUNCIL MEETING

July 16, 2019 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, July 16, 2019 with the following persons present: Council President Nicholas Imbesi; Council Vice President Philip Wert; Council Members Christopher Lincoln, Suzanne Thompson, Patrick Kaag; 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; Treasurer Jeanette Rentschler; Borough Manager Cathy Hoffman and Borough Secretary Cynthia Madeira. Council Member Jennifer Bressler was unable to physically attend this meeting, however Mrs. Bressler joined the entire meeting via a conference call without any comments.

VISITORS:	Oswald Herbert	Resident
	James Rogers	Resident
	Douglas Zeeger	Resident
	Karen Livingood	Resident
	Valentin Rodriguez, Jr.	Resident
	Nathalie Kulesa	Resident
	Chad Moyer	Resident
	Jason Ulrich	Resident
	Andrew Moletress	Resident
	Kacey Lloyd	Radsport
	Arthur Naylor	Fair Districts PA
	Dale Olaewe	Pagoda Apparel

1. **CALL TO ORDER:** Council President Nicholas Imbesi called the meeting to order at 7:11 p.m., which was followed by the Pledge of Allegiance. Mr. Imbesi also announced the approval of a zoning ordinance amendment during a public hearing held prior to this meeting.
2. **WEST READING CRITERIUM:** Kacey Lloyd provided Council and visitors with a schedule for the upcoming August 3, 2019 event. Ms. Lloyd stated that the course and detour routes will remain the same as last year; permission is being requested from all of the new businesses within the Knitting Mills complex to use the parking lot during this event; UGI has granted permission to use their new parking lot within the Knitting Mills complex; however the option to use the lot where Wawa is being constructed has been removed. The schedule of events is also being provided to all of the businesses along Penn Avenue to keep them aware of the events and the West Reading Community Revitalization Foundation is planning a Finish Line Festival within the shopping center parking lot this year.

Mr. Wert inquired as to open ride periods for this event and Ms. Lloyd stated that due to condensing the schedule this has been removed. Provisions are being made however to provide a safe place for practice/warm-ups for the stunt participants.

3. **LEGISLATIVE & CONGRESSIONAL REDISTRICTING:** Arthur Naylor of Fair Districts PA requested support of a Resolution to express support of Legislative and Congressional Redistricting. Mr. Imbesi stated that Council had an opportunity to review the sample resolution and there were no concerns expressed by Council. Therefore, Mr. Imbesi suggested that a Resolution be drafted by Borough staff specific to West Reading and adopted during the August meeting. Mr. Naylor requested a copy of the adopted Resolution to be forwarded to his attention.

4. **PUBLIC COMMENT:** Valentin Rodriguez, Jr. provided a photograph to Council members depicting the covering of the Vanity Fair clock tower and noted the heritage of the building and the loss of a significant part of history. Mr. Rodriguez suggested that the decision from the conditional use hearing be revised to allow the clock to remain. Mr. Imbesi noted that no adverse comments were received during the April 16, 2019 public hearing, however a number of individuals have since come forward to share similar concerns. At this point in time Mr. Imbesi was unsure of any action that could be taken. Chip Haws stated that a written request for revision could be presented to Tower Health. Mr. Rodriguez stated that he could not imagine that the hospital would deface their clock tower on their own building and requested Council to reconsider. Mr. Imbesi requested Council Members to consider this request to share their thoughts at a later date.

James Rogers requested an update on the status of the business privilege tax rate reduction as to the opinion of an alternate law firm. Mr. Haws stated that a six-page memo has just been provided to the Borough Manager and requested time for the Borough Manager to review. Mr. Imbesi stated that Council has not had an opportunity to review this memo and reiterated that the second opinion stated that the 2018 ordinance amendment could be repealed. However, Solicitor Mooney did not believe this was an option that the original 1982 ordinance was not a model of clarity since the tax rates previously being collected were in excess of what the tax-enabling act allowed. The rates previously being collected were 2.25 mils, 1.5 mils and 1 mil for the different types of businesses. The memo lists provisions to assess a maximum rate of 1.5 mils and 1 mil that would be applied retroactively, which is from a state statute enacted in 2012. The 6-page memo does not provide information as to how to undo the ordinance amendment and Mr. Haws is unsure if the alternate law firm's analysis provided information pertaining to the proper rates and did not continue with this research since they felt the previously adopted rates were incorrect. Mr. Imbesi hopes that following review of this memo some sort of decision or action could be taken next month.

Mr. Rogers requested a status update on payment of rental occupancy fees for the Lofts at Narrow. Mrs. Hoffman stated the legalities are still being worked through and no further information can be provided at this time.

Andrew Moletress stated that a number of vehicles are being parallel parked within the alleys due to the lack of available parking for employees along Penn Avenue, which creates difficulty for delivery trucks to gain access to the alleys. Mr. Moletress felt that this has caused the 20 N. Sixth Avenue West Reading Community Revitalization Foundation office building to be struck on two occasions in a short period of time. Mr. Lincoln noted discussions during the Traffic and Infrastructure Committee meeting where an inventory of alley widths is being performed to restrict parking where needed and he will be sure to include Court Street in this review.

Dale Olaewe of Pagoda Apparel provided information on a Voters vs. Politicians Unity Games event that he would like to host on Penn Avenue. Mr. Imbesi stated that due to the number of events currently being held on Penn Avenue and the threshold of requesting permission from the state to close this roadway as well as the strain caused to the Police and Public Works Departments to staff these events that a better option would be the recreation grounds. Mrs. Moyer provided a business card to Mr. Olaewe and requested that he reach out to her to discuss this option.

Mr. Rodriguez reverted back to the business privilege tax discussion and the Solicitor's notation regarding 2012 legislation that would prevent municipalities from adopting a business privilege tax, however if the tax had previously been adopted they would be grandfathered but would not be able to revise the rate lower or higher. Mr. Haws didn't believe that was correct, he stated there was a maximum rate provided that was retroactive. The previous ordinance had been grandfathered; rate

increases, the addition of categories nor a new ordinance cannot be enacted. The maximum rates were: wholesale 1 mil, and retail 1.5 mils. Therefore, the 2.25 mils reference was removed from the ordinance with the service categories remaining unchanged. Mr. Haws stated that possibly this should have been conveyed more clearly prior to adoption of the ordinance amendment.

5. **APPROVAL OF COUNCIL MINUTES:** Motion to approve the June 18, 2019 Council minutes. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

6. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance 1112 - Repeal of Western Berks Refuse Authority** – An ordinance amendment that would repeal the entire chapter, entitled Western Berks Refuse Authority from the Code of Ordinances.

Motion to adopt Ordinance 1112 to repeal the Western Berks Refuse Authority. **Moved** by Ms. Thompson and seconded by Mr. Lincoln. **Motion carried 5-0.**

7. **CONSULTANT'S REPORTS:**

- a. **Solicitor's Report** - Mr. Haws noted review of the business privilege tax. There were no comments.

Motion to approve the Solicitor's report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

- b. **Engineer/Code Enforcement Report** – Tom Unger referred to the written report and stated there were no action items this month. Mr. Imbesi inquired as to a timeline for the infrastructure projects. Mr. Unger stated the paving projects should begin by the end of August or first week of September, and the Pine Street water project preconstruction meeting is scheduled during the first week of August which has been delayed slightly due to coordination with UGI's project along this roadway. Mr. Lincoln inquired as to Penn Avenue parking stall striping and Mr. Unger stated this was submitted to PennDOT.

Motion to approve the Engineer/Code Enforcement report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 5-0.**

Mr. Unger and Mr. Haws departed the meeting at 7:47 p.m.

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

- a. **Environmental Advisory Council Appointment** – Mrs. Hoffman noted receipt of a letter of interest from Samantha Kaag to fill a vacancy on the Environmental Advisory Council.

Motion to appoint Samantha Kaag to the Environmental Advisory Council. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

- b. **Planning Commission Resignation** – Mrs. Hoffman noted receipt of Mr. Imbesi's letter of resignation from the Planning Commission. Mr. Imbesi stated that in order to stay in compliance with the Pennsylvania Municipalities Planning Code now that Jennifer Bressler has been appointed to Council, Mr. Imbesi plans to resign to avoid too many members of Council on this Board.

Motion to accept Nicholas Imbesi's resignation from the Planning Commission. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

- c. **Planning Commission Appointment** – Mrs. Hoffman noted receipt of a letter of interest from Jack Gombach whom wishes to be considered as a member of the Planning Commission.

Motion to appoint Jack Gombach as a member of the Planning Commission. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

Ms. Thompson asked if this vacancy needed to be advertised prior to appointment. Mr. Imbesi stated that Mr. Gombach has expressed an interest on numerous occasions to become a part of a Board, however, the vote could be rescinded to allow advertisement of this vacancy.

Discussion ensued as to the number of Council members allowed to serve on this committee, it was noted that a total of three Council members may serve on a board of nine and Mr. Imbesi's resignation would allow a vacancy seat for a resident to finish out Mr. Imbesi's portion of a four-year term.

Motion to rescind the appointment of Mr. Gombach to the Planning Commission. **Moved** by Ms. Thompson and seconded by Mr. Wert. **Motion carried 5-0.**

The vacancy will be advertised on the Borough website and social media.

Motion to approve the Borough Manager's report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

9. **MAYOR'S REPORT:**

National Incident Management System (NIMS) - Mayor Kearney noted his attendance to a training refresher course and completion of the first certification, and reminded all elected officials of this required training certification to handle major and/or minor incidents.

School Crossing Guards – Mayor Kearney noted the Borough of Wyomissing's recently enacted ordinance amendment to provide training of school crossing guards and the delegation of hiring and oversight of school crossing guards to the school district. The school Superintendent has reached out on numerous occasions to request funding of at least a portion of this service.

Mr. Lincoln stated that this is a function of the school district to get the children to school safely and the Wyomissing ordinance amendment places the training upon the Police Department, which he could support this endeavor during normal business hours, but would not support additional funding through real estate taxes. School district employees should be paid through school taxes. Guidance of a more formalized process can be found in the code.

Mrs. Hoffman indicated that the Borough should not train school crossing guards because of liability.

Mr. Imbesi stated the code states municipalities "may" fund school crossing guards and "shall" train school crossing guards. It was decided to discuss this further during a budget meeting.

Motion to approve the Mayor's report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

10. **COUNCIL PRESIDENT'S REPORT:**

Non-Discrimination Ordinance – Mr. Imbesi noted encouraging discussions with the City of Reading representatives regarding merging with their human relations commission. An additional meeting is being held on July 24th where further discussions as to the structure of this merge would take place. Mr. Lincoln recommended proposing a Borough representative to be a part of this committee during Borough related topics.

Motion to approve the Council President's report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

11. DEPARTMENT REPORTS:

- a. **Police Department** – Chief Powell referred to his written report and noted an item for executive session. An update to the theft from vehicles was provided on the bottom of page one of his report; there are now four arrests that have been made, thanks in part to the great descriptions provided.

Chief Powell reported that 18 of the 19 entry-level police officer candidates successfully passed the written examination on July 13th and will proceed onto the physical agility examination.

Chief Powell stated that three of the canopies were ruined in the flood that are used once per year by the Police Department for the National Night Out event, and offered to use funds from the Capital budget to purchase replacements for the Recreation Department.

The West Reading Crime Watch group has disbanded effective July 9, 2019, unfortunately due to the lack of support received from the community. It was decided to donate the approximately \$1250 remaining funds to the K-9 program. Chief Powell thanked all of the volunteers who participated.

K-9 Officer Marks was successful in obtaining a \$6500 Community Foundation grant.

Mr. Lincoln inquired as to the increased response time this past month. Chief Powell stated a number of reasons could be a contributing factor, such as the number of arrests made this past month with multiple charges.

Motion to approve the Police Department report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 5-0.**

- b. **Public Works** – Mr. Murray referred to the written report and there were no comments.

Motion to approve the Public Works Department report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

- c. **Fire Department** – Chief Burkholder referred to the written report and noted that the June 20th flash-flooding event where 10 calls were received within a one-hour span resulted in the ladder truck becoming stranded on the last call to Wawa along Museum Road where the Wyomissing Creek flooded the roadway. This truck is still out for repairs with an anticipated return next week, however a final tally of costs is still unknown.

Chief Burkholder reported that the Traffic 64 truck has excessive rust on the undercarriage and will not pass inspection, and requested use of the Dodge Charger that is currently up for auction until a replacement vehicle can be budgeted.

Motion to remove the Dodge Charger from the auction to provide the fire department a traffic vehicle. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

Discussion ensued as to what to do with the Traffic 64 truck that is currently being housed at the Public Works garage. Options discussed were use of the vehicle for Fire Department training purposes or for a car smash fundraiser event that is planned during the Fall Festival to raise funds to purchase a police vehicle. It was decided to salvage useable parts and then use the truck for the fundraiser event and then for training purposes.

Motion to approve the Fire Department report. **Moved** by Ms. Thompson and seconded by Mr. Lincoln. **Motion carried 5-0.**

- d. **West Reading Community Revitalization Foundation** – Mr. Moletress reported that their office has been completely moved out of Borough Hall and offered his gratitude for all of the time and support. The new building has been painted and visitors are welcome. Mr. Moletress also thanked the Borough Treasurer and Manager for their efforts in finalizing the 6th and Chestnut Street grant audit, and noted receipt of the final payment.

Ms. Thompson inquired as to the August 5th kick-off date for paid parking within the shopping center parking lot. Mr. Lincoln indicated that some revisions are needed and the kick-off date has not yet been scheduled.

Mayor Kearney thanked Mr. Moletress for his dedication in overseeing the remodeling of the new WRCRF building.

Motion to approve the West Reading Community Revitalization Foundation report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

12. COMMITTEE/COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer referred to the written report and noted an action item. Council's approval is requested for the hiring of Christine Boud as the Concession Stand Manager at \$11 per hour and Sam Hawk as a front desk and concession stand employee at \$7.25 per hour.

Motion to approve the hiring of Christine Boud at a rate of \$11 per hour and Sam Hawk at a rate of \$7.25 per hour. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

Mrs. Moyer noted that the 8' high black chain link fence is currently being installed across the front of the pool area to the concession stand.

The offering of alcohol in the park for the 4th of July event went well. Although, it was recommended to either move the fenced-in area next year or offer a wristband type identification to improve sales. Brewer's Bar & Grill portion to donate from sales for the evening totaled \$70, however they donated \$500 towards the event.

Mr. Wert inquired as to insurance coverage for the flood damaged pedestrian bridge. Mr. Murray stated that the insurance adjuster did not believe this would be covered and is waiting on a third quote for a cost to remove the bridge. Mrs. Moyer noted issues with people riding their bikes over the damaged bridge and the addition of orange netting to deter access. It was recommended to install no trespassing signs to avoid liability of these actions.

Motion to approve the Recreation Commission report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

- b. **Planning Commission** – Mr. Wert stated the meeting was cancelled due to limited attendance the night before a holiday.
- c. **Economic Development Committee** – Mr. Wert noted the continued monitoring of Penn Avenue properties and the following:
- A kitchen and bath design company is progressing through the steps to occupy the space located at 301 Penn Avenue.
 - The new Nitro Bar located on the second floor of 416 Penn Avenue is planning to open at the end of the month.

- A Jamaican restaurant is slowly working towards opening at 711 Penn Avenue.
- The popular restaurant, Mi Casa Su Casa plans to open a second location at 723 Penn Avenue.
- A rendering of a new three-story building that would fill the gap at 430 Penn Avenue is available to view in that vicinity. Delivery of plans is anticipated in the near future.
- Kautter and Kelly Architects are finalizing a presentation for the Buttonwood Gateway designs and would like to share with Council members to give a sense of what is needed for a multimodal grant application. It was decided to wait until next year to apply for a multimodal grant to allow finalization of plans and avoid competing with the Wyomissing Borough's grant request for improvements to the 4th Street area to advance the flow of traffic from the new medical school.
- The recent announcement of the Hahnemann Hospital closing in Philadelphia may increase the number of doctor positions at Drexel University College and Tower Health, including an increase of medical students to the area, all of which will be looking for housing.

Motion to approve the Economic Development Committee report. **Moved** by Ms. Thompson and seconded by Mr. Kaag. **Motion carried 5-0.**

- d. **Environmental Advisory Council** – Mr. Kaag noted a quorum was not available for this meeting, which was used as a workshop and stated that repairs were made to the Community Garden stairway.

Mrs. Moyer stated that the playground group had a great experience painting rocks and creating a rock garden with in the Community Garden area and is open to future playground visits.

Mr. Wert stated that the Department of Conservation and Natural Resources (DCNR) are currently going around the Borough in groups to inventory Borough trees.

Motion to approve the Environmental Advisory Council report. **Moved** by Mr. Lincoln and seconded by Ms. Thompson. **Motion carried 5-0.**

- e. **Traffic & Infrastructure Committee** – Mr. Lincoln stated there were no action items this month. A review of the topics discussed were the Green Light-Go project along Penn Avenue at the signalized intersections has been completed; all of the equipment has been upgraded with a minor punch list of items to be wrapped up soon. The committee is still working through the handicapped parking space policy and hopes to bring something to Council this fall. A few staff members will be attending a free PennDOT training course to be able to perform stop sign studies of intersections where stop signs may be needed, which would allow the lawful installation of stop signs by Borough staff.

Motion to approve the Traffic & Infrastructure report. **Moved** by Mr. Kaag and seconded by Mr. Wert. **Motion carried 5-0.**

- f. **Shade Tree Commission** – Mr. Kaag noted that 22 trees have been planted with Gator bags and quotes are being received for tree removal. The lanternflies are moving into the red stage and the tree bands will work as long as there is tackiness, bands are being replaced as needed.

Mr. Moletress noted a study performed by Penn State where a fungus has been found that attacks the lanternfly, which seems to have reduced the number of lanternflies in our area.

Motion to approve the Shade Tree Commission report. **Moved** by Ms. Thompson and seconded by Mr. Lincoln. **Motion carried 5-0.**

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

Motion to approve the Safety Committee report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

- h. **Finance Committee** – Mr. Imbesi stated that the meeting was cancelled due to a lack of topics for discussion and suggested a review of the enabling ordinance to broaden the scope of work.

13. TREASURER'S REPORT:

- a. **Financial Statement Ending 6/30/19** – Mr. Imbesi stated a review of the six month expenditure and revenue is needed and will be covered in the Finance Committee meeting.

Motion to approve the financial statement ending 6/30/19. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 5-0.**

- b. **Payment Approval Report 6/19/19 to 7/11/19 & 7/12/19 to 7/16/19** – There were no comments.

Motion to approve Payment Approval report 6/19/19 to 7/11/19 & 7/12/19 to 7/16/19. **Moved** by Ms. Thompson and seconded by Mr. Kaag. **Motion carried 5-0.**

- 14. **EXECUTIVE SESSION:** Council recessed to executive session at 9:17 p.m. to discuss personnel items. Council reconvened at 10:22 p.m. and Mr. Imbesi stated that no action is needed at this time.

16. PUBLIC COMMENT:

There were no public comments.

17. ADJOURNMENT:

Motion to adjourn the meeting at 10:22 p.m. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 5-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary