

BOROUGH OF WEST READING – BOROUGH COUNCIL

September 16, 2014 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, September 16, 2014 with the following persons present: Council President James J. Gallen, Jr.; Vice President Philip C. Wert; Council Members Nathalie R. Kulesa, Deborah Hutcheson, Grace Craze, Carl Garman; Mayor Valentin Rodriguez, Jr.; Borough Manager Richard J. Sichler; Police Chief Stephen D. Powell; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Chief Code Enforcement Officer Tracey L. Levering; Public Works Director Dean E. Murray; Elm Street Manager Dean L. Rohrbach; Administrative Assistant Cathy L. Hoffman. Council Member Elizabeth L. Heckler and Borough Engineer Tom Unger were unable to attend.

VISITORS:	Ruth Cardell	Temple
	James T. Rogers	Resident
	Randy Hinsey	Resident
	Jim & Karen Livingood	Residents
	Rich Weiger	Resident
	Ammon Heckler	Resident
	Jason Hugg	Resident
	Audrey Schaeffer	Resident
	Sheila Yasher	Resident
	Amber Rambo	Resident
	Robert Denbowski	Resident
	Oswald Herbert	Resident
	Tina Shenk	Property Owner
	Valcis Lacis	Reading Eagle

1. **CALL TO ORDER:** Council President James Gallen called the meeting to order at 7:00 p.m. which was followed by the Pledge of Allegiance and roll call.

Chief Powell then presented Department Commendations to West Reading Officers Wayne Holben and Matt Nguyen, along with Wyomissing Officers Paul Baur and Joseph Klatt, for their actions during a domestic violence incident involving a child that occurred on June 16, 2014. A civilian 'Letter of Commendation' was also presented to resident Robert J. Denbowski, Jr. for his assistance in freeing the child and removing him from the scene.

2. **PUBLIC COMMENT:**

Mayor Valentin Rodriguez, Jr. said he has been seeking to have West Reading represented on the Wyomissing Area School District school board. He showed two plans, the first delineating the existing voting precincts that make up the Wyomissing Area School District and the second indicating the proposed regional plan that would be compliant with the Pennsylvania School Code. There are currently five precincts in the District and the proposed regionalization would create three new regions. He noted that the regionalization does not realign or split any of the existing precincts which is a prerequisite for regionalization. Because West Reading represents 34% of the population of the Wyomissing Area School District yet has no representation on the Board, he hopes that this will cause them to reconsider. He noted that this has no binding legal ramifications for the Borough itself because he is taking on this action himself as a individual and resident of West Reading. He asked for a show of support from residents for the next Board meeting which will be held on September 22nd at 6:00 p.m. in the District's offices.

Rich Weiger asked about the situation at 5th and Sunset which he spoke about at the last Council meeting and Chief Powell said that they are looking into it.

James T. Rogers asked about the agreement with the Hospital.

Ammon Heckler asked what is being done about the smoker on 4th Avenue and noted it is creating an unbearable situation for those who live near there. Mayor Rodriguez responded that the Codes department has been working with the business owner to find a solution and noted that a taller stack has been installed however it has not resolved the issue. He added that if the business owner is not able to comply with environmental zoning, and there continue to be complaints, it will have to be moved. Tina Shenk said she owns the property and wasn't aware that there would be issues when the business was opened. She said she will work with the business owner however he must resolve the issue or move it. Mrs. Levering noted that when the business owner applied for the permit this situation was discussed however the owner indicated that the smoke would not be an issue.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Ms. Hutcheson and seconded by Mr. Wert to approve the minutes of the August 19th Council meeting as well as the August 19th Public Hearing. **Motion carried.**

4. **UNFINISHED BUSINESS:**

Planting Strip Ordinance – Mr. Becker noted that the proposed ordinance had been sent to the Infrastructure Committee for comment and he has incorporated those comments into another draft which was distributed to Council. Mr. Wert commented about section 404 which mentions “uncultured vegetation” and asked for a definition. He suggested that perhaps “noxious weeds” or “invasive/dangerous/toxic plants” be used instead. This prompted much discussion and Mr. Becker said he would draft some more specific language. It was also noted that the second sentence under Section 402 is redundant. Mr. Becker will make the changes and find the appropriate wording.

5. **CONSULTANTS' REPORTS:**

- a. **Solicitor's Report** – Mr. Becker spoke about the abandoned property at 417 Franklin and stated that they have not been able to track down the owner therefore the Borough may wish to obtain an administrative warrant. He said that recently a neighbor reported smelling smoke at the property and when the Fire Department entered, they found a hole in the roof which caused the ceiling to cave in as well as floor to ceiling papers which creates a fire hazard. There was much discussion concerning this including the involvement of the Berks County Redevelopment Authority. **Moved** by Mrs. Kulesa and seconded by Ms. Craze to proceed with the administrative warrant to tarp the roof and secure the door, and investigate the property further. **Motion carried.** It was also decided that Mr. Becker would contact Ken Pick (County Redevelopment) to see how the County can help.

Concerning the Belovich property, Mr. Becker said that Fulton Bank has not taken over the deed as yet because of an issue with the deed that was issued by the Sheriff's department. Marketing of the property will not begin until the deed is received.

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

- b. **Engineer's Report** – Mr. Sichler referred to Mr. Unger's written report and noted one action item. The permit has been received from DEP for the wall replacement by the pool. He said that the bid documents can be written to provide pricing for both the entire wall and the two ends that are in need of immediate repair.

Moved by Ms. Craze and seconded by Mrs. Kulesa to finalize the specifications and authorize the advertising of bids for the project. **Motion carried.**

Mr. Sichler also updated Council regarding the Kent Way project which includes the water line replacement. He also spoke about the water main break that happened on Monday because of a valve that came apart as it was being closed by Public Works personnel. A boil-water advisory has been issued and will be in effect until two rounds of sampling results are clear. It is expected to be lifted around noon on Wednesday.

A brief update was given for 425 Chestnut Street. Mr. Sichler said no mold had been found but the roof should be tarped to prevent any more water intrusion. They also secured the windows and doors and removed all broken glass. The owner has not acknowledged any of the forms of notification as of this date. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to execute another warrant to secure the roof. **Motion carried.**

SDE was appointed as BCO while Mrs. Levering was on leave but now that she has returned, the BCO designation needs to revert to her. **Moved** by Mr. Wert and seconded by Ms. Craze to appoint Tracey Levering as BCO. **Motion carried.**

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

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

- a. **Minimum Municipal Obligation for 2015** – This is required each year for budgeting purposes. Mr. Sichler noted that for the Non-Uniform Pension the minimum obligation for 2015 is \$74,207 and for the Police Pension it is \$227,102. This is a small increase from last year. **Moved** Ms. Hutcheson and seconded by Ms. Craze to accept the Minimum Municipal Obligation notification for 2015. **Motion carried.**
- b. **Santander Resolution** – Mr. Sichler indicated that the Bank only requires one signature even though the Borough requires two. It was noted that this is a standard banking procedure therefore it was **Moved** by Ms. Craze and seconded by Mrs. Kulesa to have one signature on the account. **Motion carried.** Additionally, Mr. Sichler asked to formalize the signers for the bank accounts. **Moved** by Ms. Craze and seconded by Mrs. Kulesa to appoint Philip Wert, James Gallen, Richard Sichler and Jeanette Rentschler as official signers for the bank signature cards. **Motion carried.**
- c. **Tree Removal Bids** – Mr. Sichler reported that he had provided specifications to four bidders however only two of those responded - \$10,310 from Stolfuss Tree Service, \$10,300 from Arbor Care. He noted that Arbor Care would be available more quickly therefore he recommended that they be awarded the project. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to authorize Mr. Sichler to enter into a contract with Arbor Care in the amount of \$10,300. **Motion carried .**
- d. **Hail Damage** – Mr. Sichler said that the insurance company has issued a 165 page assessment of the damage to Borough buildings and property however after being carefully reviewed, much has been missed. For example, there are instances where the insurance company has stated that the roof was damaged however the damage is not sufficient to warrant repair. Because this situation requires another level of expertise, he recommended that CNA Product Management Services be engaged to reassess the damage, under a professional services contract. He said that Andy Moletress is a resident who has helped with the P.A.R.R. projects and has offered his assistance at a rate of \$30/hr., and a maximum of \$2000.

Much discussion ensued. Mr. Gallen felt that there are others who could look at the damage and provide an assessment at no additional cost. Mr. Gallen said that the Borough needs someone who understands how the insurance policy works and how the cost is calculated for the replacement of 'like kind' materials. Mr. Sichler will get names from Mr. Gallen and follow up with them.

In a related matter, Mr. Garman stated that local townships and boroughs are looking at the issue of contractors proving that they are hiring legal workers and suggested that West Reading should be looking at this as well. He asked if there was a way to ensure that contractors working in and for the Borough are not hiring illegal persons. It was noted that the Borough requires proof of insurance and Workers' Compensation and that the company is licensed and registered but that is the extent of the information required.

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Borough Manager's Report. **Motion carried.**

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

Mayor Rodriguez said that the article he wrote for the Courier concerning economic development will be incorporated with his report. Other business included:

- Ms. Hutcheson asked for approval to close Penn Avenue on Saturday, December 13th for 'Run Santa Run' between 8:00 a.m. and noon. **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the street closure. **Motion carried.**
- Mayor Rodriguez reminded everyone about the Fall Festival which will be held on Saturday, September 20th.

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

8. **DEPARTMENT REPORTS:**

- a. **Code Enforcement** – There were no questions for Mrs. Levering concerning her written report however Mayor Rodriguez asked Mrs. Levering to discuss the permit revenue for 2014. She said that \$70,000 had been budgeted however the total revenue to date is \$316,629 due to the hailstorm and the Reading Hospital construction. Mrs. Kulesa said that it would be helpful to have the permits for the Reading Hospital as a separate line item for budgeting purposes.

Council also noted that Budget meetings need to be scheduled and it was suggested that one be held prior to the next Council meeting. Mr. Richler said he would contact everyone to determine their availability.

Moved by Mr. Wert and seconded by Ms. Craze to approve the Chief Code Enforcement Officer's Report. **Motion carried.**

Police Department – Chief Powell noted the following from his written report:

- An arrest has been made in the arson on Pine Street however the investigation remains open.
- Berks County dispatch fees will increase by 18% per year between 2015 and 2017 in order for the County to become revenue neutral as far as hard costs are concerned.
- The number of CODY licenses for the department was exceeded therefore funds allocated for computer purchases was used to purchase the extra licenses. It is now necessary to purchase four new desktops because the older computers are not functioning well with the new server. Funds (\$5000) can be transferred from the Civil

Service hiring line item because hiring is now being done by the consortium. The desktops are estimated to cost \$4100.

- 61 hours has been allocated to the aggressive driving detail which has resulted in 86 violations being issued.

Moved by Mr. Garman and seconded by Mrs. Kulesa to approve the budget adjustment for the purchase of four computers. **Motion carried.**

Mr. Garman thanked Chief Powell for allowing him to participate in a 'ride along' recently. He recommended that everyone on Council participate in a ride along so they can see the issues that occur overnight.

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

- c. **Public Works** – There were some questions concerning the recent water main break which Mr. Murray answered. It was noted that bolts on the valve had disintegrated because of soil conditions which caused the break however Mr. Murray noted that those bolts are now made of stainless steel which will prevent that type of situation from happening again.

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

- d.. **Fire Department** –There were no questions concerning his written report and the attached article from the New York Times about "The Disappearing Volunteer Firefighter".

Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Fire Chief's Report. **Motion carried.**

- e. **Elm Street** – Mr. Rohrbach referred to his written report which included a parking planning services proposal from Walker Parking Consultants. He noted that plentiful parking is critical to the success of West Reading's business district. He requested \$18,000 from Council toward a \$43,000 parking study as proposed by Walker. The remaining \$25,000 has been pledged from the Wyomissing Foundation and the Henry Janssen Foundation.

Much discussion ensued concerning the study and the fact that it delineates several phases. Mr. Rohrbach indicated that the first phase (3 tasks) is all that is really necessary and that there is no obligation to commit to the remaining phases of the study.

Another concern centered around the possibility of professional fees and expenses as listed in the proposal. Mr. Garman asked if these fees are in addition to the \$43,000 and if so, who would be covering that cost. Also discussed were the parking studies that had been done in the past. Mr. Gallen indicated that according to the proposal, the financial implications won't be covered until the end of the study, which would cost the Borough significantly more. Mr. Rohrbach said that by completing the first three tasks, we should have all the necessary information to determine which way to proceed. It was also suggested that if the other phases of the study were warranted, perhaps alternate funding could be found.

The future of Penn Avenue was also discussed and the impact parking will have on the growth of businesses. After much discussion it was **Moved** by Ms. Hutcheson and seconded by Mr. Wert to authorize the \$18,000 expenditure for the parking study, contingent upon other sources of revenue being found to cover any additional expenses. The Mayor is also authorized to execute the contract. **Motion carried.** Mr. Wert said he would contact Walker for clarification regarding the other expenses. Also, the \$18,000 will be taken from the

Miscellaneous Costs line item under Administration.

Mr. Rohrbach also reported that the Let's Paint the Town project is underway and this year 22 homes will be painted on Chestnut Street between 3rd and 4th Avenues.

Moved by Mrs. Kulesa and seconded by Mr. Garman to approve the Elm Street Manager's Report. **Motion carried.**

9. **COMMITTEE/COMMISSION REPORTS:**

- a. **Recreation Commission** – Helen Moyer asked for Council's permission to create a social media page on FaceBook. She said that the page will help get information out to residents about upcoming events, and will be updated by one of the Recreation Commission members. **Moved** by Mr. Garman and seconded by Ms. Craze to authorize the creation of a Facebook page. **Motion carried.**

She also provided an update concerning the Delaney Circle dedication event and spoke about the items that have been donated so far. She asked permission for the crew to pick up the 'frog' from the Goggle Works and place it at the circle and to do some concrete work at the circle. She showed Council a rough sketch of the area and the proposed partial wall that will surround the back of the frog. She noted that the cost for materials for the wall construction is \$450 which is the only item that has not been covered by donations. Tina Shenk said that Tina's Salon would donate the \$450 for this work to be completed. The only cost for the Borough would be the labor for the crew members. Everything must be completed in 10 weeks in order to be ready for the December 5th dedication. **Moved** by Mr. Garman and seconded by Ms. Craze to authorize the Borough Crew to help with the work at the Circle. **Motion carried.** Mrs. Kulesa thanked Helen for her hard work and the time she has spent working on this project.

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

- b. **Environmental Advisory Council** – There were no questions concerning the written report. **Moved** by Mr. Wert and seconded by Ms. Craze to approve the Environmental Advisory Council Report. **Motion carried.**
- c. **Safety Committee** – There were no questions concerning the minutes. **Moved** by Mr. Garman and seconded by Ms. Craze to approve the Safety Committee Report. **Motion carried.**
- d. **Economic Development Committee** – There was no quorum present for the meeting therefore it was not held.
- e. **Shade Tree Commission** – Mr. Sichler presented the written report. It was noted that the trees that were removed on Kent Way are being replaced by Zelcova trees. **Moved** by Mr. Garman and seconded by Ms. Craze to approve the Shade Tree Commission Report. **Motion carried.**

- f. **Traffic and Infrastructure Committees** –Mr. Wert asked about the Traffic minutes where it stated that ‘slow’ is permitted to be painted on alleys but not streets, however it was suggested that Olive and Elm Streets be labeled with ‘slow’. Mr. Sichler said that they would have to clarify that discrepancy. Under the Infrastructure minutes, Mayor Rodriguez had concerns about the wording “as imposed by the State” and felt that it was not accurate in reference to the penalty section of the proposed ordinance. Mr. Becker explained that the type of penalty discussed is a summary offence under property maintenance. It will be replaced with ‘as set forth by Borough Code’.

Moved by Ms. Hutcheson and seconded by Ms. Craze to approve the Traffic and Infrastructure Committee Reports as amended. **Motion carried.**

10. **TREASURER’S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to approve the Revenues with Comparison to Budget Report for the 8 months ending 8/31/2014. **Motion carried.**
- b. **Moved** by Ms. Hutcheson and seconded by pw to approve Payment Approval Report for 8/20/2014 - 9/11/2014. **Motion carried.**

11. **PUBLIC COMMENT:**

Amber Rambo asked if the proposed Planting Strip Ordinance will be available for public input and it was noted that even though it has not yet been advertised she may receive a copy upon request.

Audrey Schaeffer stated that the grass at the abandoned property next to her home is five feet tall and asked what can be done. Mrs. Levering said that they have no one to do the grass cutting but Mr. Rohrbach said that he would ask for volunteers from Elm Street to take care of it.

James T. Rogers asked if the payment in lieu of taxes has been received from the hospital and Mr. Sichler said it is still being discussed.

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:25 p.m. When the meeting reconvened at 10:53 p.m., it was **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to deny the grievance from the West Reading Police Association. **Motion carried.**

13. **ADJOURNMENT:**

Moved by Ms. Craze and seconded by Mr. Garman to adjourn the meeting at 10:54 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant