

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

February 18, 2020 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, February 18, 2020 with the following persons present: Council President Jack Gombach; Council Vice President Philip Wert; Council Pro-Tem Christopher Lincoln; Council Members Patrick Kaag, Jennifer Bressler, and Samantha Kaag; Mayor Andrew Kearney; Solicitor Daniel Becker; Police Chief Stephen Powell; Public Works Director Dean Murray; Code Department Manager Cathy Hoffman; Recreation Director Helen Moyer; Fire Marshal Troy Hatt; Engineer Tom Unger; Fire Chief Chad Moyer; Main Street Manager Mark Ratcliffe; Treasurer Jeanette Rentschler; Borough Manager Nicholas Imbesi and Borough Secretary Cynthia Madeira. Council Member Nicholas Gardecki was unable to attend.

VISITORS:	Oswald Herbert	Resident
	James Rogers	Resident
	Karen Livingood	Resident
	Tina McDonough	Resident
	Andrew Moletress	Resident
	Suzanne Thompson	Resident
	Douglas Zeeger	Resident
	Terry Siggins	Resident
	Chad Marks	Police Sergeant
	Christopher Fortin	Police Officer
	Gil Tinoco-Silva	Police Officer
	Matthew Nguyen	Police Officer
	Kevin Kozo	Property Owner
	Sherry Berriker	Western Berks Ambulance

1. **CALL TO ORDER:** Council President Jack Gombach called the meeting to order at 7:00 p.m., which was followed by the Pledge of Allegiance and Roll Call. Mr. Gombach noted that an executive session was held by Council members on Wednesday, February 5, 2020 to discuss a potential litigation matter.
2. **POLICE OFFICER INTRODUCTION:** Chief Powell introduced Officers Christopher Fortin and Gil Tinoco-Silva who then took an Oath of Office administered by Mayor Kearney.
3. **LAND DEVELOPMENT 428 PENN AVENUE:** Kevin Kozo provided an overview of land development plans for his property known as 428 Penn Avenue. Currently, this parcel is utilized as a driveway to access a parking area behind Farmhouse Kitchen located at 426 Penn Avenue and Trinity Salon located at 430 Penn Avenue. The proposed structure would house retail space on the first floor and two executive apartments on the second and third floors with a roof top deck available for access by the third floor apartment. The 20' wide by 90' deep structure has been granted a zoning variance for side yard setbacks, similar to other Penn Avenue properties. The Planning Commission, with the assistance of the Borough Engineer, have reviewed preliminary and final land development plans. A third set of plans were delivered to the Engineer's office on February 17, 2020 to address some outstanding items as noted in the February 5, 2020 Systems Design Engineering review letter. Two parking spaces in the rear of the property will be designated to each apartment and closing of the driveway entrance will provide two additional parking spaces along Penn Avenue.

Mr. Unger explained the sense of urgency to obtain final plan approval due to PennDOT's plans to pave Penn Avenue. The street openings for water, sewer, stormwater and curb cutting should be completed prior to commencement of the paving project. The following is a list of items to be addressed per the February 5, 2020 Preliminary/Final Plan Review letter:

- A cross-access easement or agreement must be reviewed by the Solicitor;
- Response to a written waiver request of the Traffic Impact Study requirement;
- Response to a written waiver request of the Environmental Impact Statement;
- A PennDOT Highway Occupancy Permit is required for storm sewer construction;
- Response to a written waiver request of the Groundwater Recharge requirement;
- Response to a written waiver request of the Water Quality requirement;
- Response to a written waiver request of the Streambank Erosion requirements;
- Response to a written exemption request of the 75 square feet of increased impervious surface;
- Satisfaction of the Performance Guarantee requirements, a financial guarantee should be provided for the proposed stormwater management controls;

Mr. Unger reported that he and the Planning Commission have recommended Council's approval to the waiver requests and final plan approval, conditioned upon satisfaction of the outstanding items listed on the February 5, 2020 review letter and receipt of the PennDOT Highway Occupancy Permit.

Motion to approve the waiver requests as stated. **Moved** by Mr. Lincoln and seconded by Mrs. Kaag. **Motion carried 6-0.**

Mr. Becker inquired with Mr. Kozo as to the intended construction start date and Mr. Kozo stated his goal is to break ground on March 30th. Mr. Becker noted a number of outstanding items that would need to be addressed in a short period of time. However, in an effort to complete the Penn Avenue street work prior to the PennDOT paving project, it would be appropriate for Council to grant conditional approval at this time.

Motion to recommend approval of the final land development plans for 428 Penn Avenue subject to the conditions outlined in the Systems Design Engineering letter dated February 5, 2020. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 6-0.**

Mr. Kozo thanked all of the Borough Officials for their expeditious guidance and interaction throughout the land development process.

4. **WESTERN BERKS AMBULANCE:** Ms. Berriker shared highlights from the 2019 yearend report where 2,900 9-1-1 calls for service were responded to in West Reading with their busiest hour being 6:00 p.m. The average response time was one minute twelve seconds. It was noted that there were 130 Opioid deaths in Berks County last year with one death in the West Reading area. Ms. Berriker thanked West Reading Borough for their support and financial aid provided by the use of the fire station.

Motion to accept the Western Berks Ambulance report. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

Mr. Kozo departed the meeting at 7:21 p.m.

5. **PUBLIC COMMENT:** Mr. Becker provided an overview of the public comment policy that has been in place for quite some time and reminded residents of the business that needs to be transacted during these meetings. The policy allows for public comment and if a question can be answered quickly, at

the discretion of the Council President, this will continue to be done. If the comments become aggressive, it will be asked that you refer these questions to the appropriate Borough staff. Everyone is allotted five minutes for public comment, and it was recommended that if questions or comments are redundant, that the individual notes their agreement to the previous public comment. Mr. Becker requested that residents be respectful of other people in the room as well as Borough Council's time.

Douglas Zeeger stated that according to the Sunshine Act residents are allowed to ask questions during public comment, which according to the Borough's policy, may or may not be answered by Borough Council.

James Rogers stated in the past Council was open to answering questions and asked that this notation be recorded. Also, according to open records law, residents are allowed to ask questions as to the action(s) that are being taken. Mr. Becker stated that the Council President may decide if a question could be answered in an appropriate amount of time.

Amber Rambo requested that the Borough notify residents of all projects within the Borough regardless of whether they are for Borough or utility company projects and expressed her frustration with the ongoing UGI activity in her neighborhood. Ms. Rambo also expressed concern with the news of a potential group home in her neighborhood and requested that the Borough notify residents of this type of activity as well. Mr. Imbesi stated that notification is provided to residents in the vicinity of Borough projects, however, funding of notification to residents for non-Borough related projects have not been factored into the budget.

Mr. Becker stated that at this time nothing has been submitted to the Borough for a group home type of use. Should a request of this nature be presented, a special exception hearing would be required and residents in that vicinity would be notified of the hearing date to allow residents to express their concerns to the Zoning Hearing Board. A verbal decision from the Zoning Hearing Board may be provided at the conclusion of the hearing with a written decision provided within 45 days. The applicant and residents would have 30 days to appeal the Zoning Hearing Board's decision.

Nathalie Kulesa noted her agreement with Ms. Rambo's comments and requested clarification as to the amount of time prior to the hearing that residents would be notified. Mr. Becker stated that notification would be provided not more than 60 days nor less than two weeks prior to the hearing date. Mrs. Kulesa stated that UGI has been working on Sunset Road since December 6, 2019 and requested an update as to project completion. Mr. Murray stated that service lines are currently being worked on, which requires coordination with residents and that he would reach out to UGI tomorrow for an update.

Ms. Rambo noted temporary no parking signs that are posted with varying expiration dates, and that there are signs with dates that have lapsed and the confusion this causes residents. Chief Powell stated that these signs would be reviewed tomorrow.

Mr. Rogers asked if the group home would be required to limit the number of non-related people living in this house. Mr. Becker stated that the zoning ordinance states six or more, leaving a question to the top end number.

6. **APPROVAL OF COUNCIL MINUTES:** Motion to approve the January 21, 2020 Council meeting minutes. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

7. **EXECUTIVE SESSION:** Council recessed to executive session at 7:39 p.m. to discuss personnel, collective bargaining and potential litigation items. Council reconvened at 8:26 p.m. and Council members took the following action:

Motion to authorize the Borough Solicitor to attend a deposition for litigation that is arising from the Go Fish fire. **Moved** by Mrs. Kaag and seconded by Mr. Wert. **Motion carried 6-0.**

8. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance 1123 – Recreation Commission Enabling Ordinance Amendment** – Motion to adopt an amendment to the commission member terms and responsibilities. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**
- b. **Ordinance 1124 – Finance Committee Amendment** – Motion to adopt an amendment to the committee membership and terms. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 6-0.**
- c. **Resolution 2020-4 WRCRF Paid Parking Program Reimbursement** – It was noted that the West Reading Community Revitalization Foundation (WRCRF) adopted this Resolution during their February 11, 2020 meeting and that proceeds from the paid parking program management agreement, dated November 2, 2018 would be used to reimburse the WRCRF. Motion to adopt Resolution 2020-4 Parking Kiosks and Improvements Reimbursement to the West Reading Community Revitalization Foundation. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 6-0.**

9. **CONSULTANT’S REPORTS:**

- a. **Solicitor’s Report** - Mr. Becker stated that he had nothing to report other than items being covered on the Agenda.
- b. **Engineer’s Report** – Mr. Unger stated that the Chapter 94 Report has been completed and provided highlights to the required annual DEP wastewater treatment plant report. West Reading’s report pertains to the contributory flow to the municipal authority. Mr. Unger stated that there were no hydraulic overflows last year, flows over the last four years have been consistent and the pump station is in good operating condition. The Borough has one industrial user, which is RM Palmer.

Mr. Lincoln inquired as to the proposed increase of EDU’s for the calendar years 2021 through 2024 being related solely to the new townhome development, Mr. Unger confirmed this projection.

Motion to authorize the Borough Manager to sign the 2019 Chapter 94 Municipal Wasteload Management Report. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 6-0.**

Motion to accept the Engineer’s report. **Moved** by Mr. Lincoln and seconded by Mrs. Kaag. **Motion carried 6-0.**

10. **BOROUGH MANAGER’S REPORT:**

- a. **Armed Forces Day Parade** – Mr. Imbesi requested Council’s authorization to close Penn Avenue for the Armed Forces Day Parade, which is scheduled for Saturday, May 16, 2020.

Motion to approve the Penn Avenue street closure on Saturday, May 16, 2020 for the Armed Forces Day Parade. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 6-0.**

- b. **Letter to Wyomissing Borough** – Mr. Imbesi stated that the Borough of Wyomissing plans to pave Hill Road and install new handicap ramps throughout the entire intersection of Hill Road and Eighth Avenue. The estimated cost for the Borough of West Reading's portion of the Hill and Eighth Avenue intersection and two handicapped ramps is \$20,000. The Borough of Wyomissing is requesting a letter stating that the Borough of West Reading will budget repayment to Wyomissing Borough for improvements to this intersection during the year 2021.

Motion to authorize the Borough Manager to send a letter to the Borough of Wyomissing committing to repayment of improvements to the Hill and Eighth Avenue intersection during the 2021 calendar year. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

- c. **Tax Collector Vacancy** – One letter of interest was received from former Councilwoman Nathalie Kulesa to fill the Tax Collector Vacancy. Mr. Imbesi recommended the appointment of Mrs. Kulesa.

Motion to appoint Nathalie Kulesa as Tax Collector. **Moved** by Mrs. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- d. **Municipal Officials Dinner** – Mr. Imbesi requested Council to inform Mrs. Madeira of their plans to attend the March 26, 2020 Municipal Officials Dinner at Stokesay Castle.
- e. **Congresswoman Chrissy Houlahan** – Mr. Imbesi shared information pertaining to a Town Hall meeting being held on February 19th at Alvernia University.

Motion to accept the Borough Manager's report. **Moved** by Mr. Wert and seconded by Mr. Lincoln. **Motion carried 6-0.**

11. **MAYOR'S REPORT:** The Mayor stated that he had nothing new to report.

12. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Powell referred to his written report and provided information on the recent social media uproar surrounding a potential threat of violence within the Wyomissing School District. Chief Powell stated that an investigation determined that the local individual whom posted an image on social media had taglines added to the post from individuals that are not in the area, these taglines made the post appear to be threatening. A police presence was available at the school this morning and will again be onsite tomorrow as a precaution.

Motion to accept the Police Department report. **Moved** by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- b. **Public Works** – Mr. Murray referred to the written report and noted an action item. Council's permission was requested to proceed with ordering a pickup truck, as approved during the budget season last year. The new truck would take the place of the Parks and Recreation vehicle that also maintains alleyways during the winter season. The old truck would become the mechanics vehicle to run for parts/equipment. The current Co-Star cost for a new truck is a bit lower than what was budgeted and should not exceed \$31,000. The budgeted tailgate lift, plow unit and light bar would be purchased separately.

Motion to approve the purchase of a Parks and Recreation pickup truck not to exceed \$31,000. **Moved** by Mrs. Bressler and seconded by Mr. Kaag. **Motion carried 6-0.**

Mr. Wert noted a significant savings this past month from having a mechanic in house.

Motion to accept the Public Works Department report. **Moved** by Mr. Lincoln and seconded by Mrs. Kaag. **Motion carried 6-0.**

- c. **Fire Department** – Chief Moyer referred to his written report and offered to answer any questions. Mrs. Bressler congratulated Chief Moyer on the recent grant approval.

Motion to accept the Fire Department report. **Moved** by Mrs. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- d. **Code Enforcement Department** – Mrs. Hoffman referred to the report and offered to answer any questions. There were no questions or comments.

Motion to accept the Code Enforcement Department report. **Moved** by Mr. Lincoln and seconded by Mr. Wert. **Motion carried 6-0.**

- e. **West Reading Community Revitalization Foundation** – Mr. Ratcliffe noted the PA Downtown Center Conference that is being held in June at the Doubletree in Reading this year. There will be more than 200 Main Street Managers from all over the state visiting our area. As a result, there will be more activity than normal sprucing up the area for this event. Mr. Kaag stated that he appreciates Mr. Ratcliffe's efforts to unify the main street area with Wyomissing and the City of Reading.

Motion to accept the West Reading Community Revitalization Foundation report. **Moved** by Mrs. Kaag and seconded by Mrs. Bressler. **Motion carried 6-0.**

13. COMMITTEE/COMMISSION REPORTS:

- a. **Recreation Commission** – Mrs. Moyer referred to the written report and requested Council's decision to allow the West Reading Elementary Center to host a Color Run in the park area. The Recreation Commission expressed concerns regarding color stains and potential health issues for children with asthma type conditions. Mr. Becker recommended that an indemnification be signed by the school district to hold the Borough harmless.

Motion to accept the Recreation Commission report. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 6-0.**

- b. **Planning Commission** – Mr. Wert referred to the minutes and noted the majority of discussions pertained to land development as was discussed earlier tonight.

Motion to accept the Planning Commission report. **Moved** by Mrs. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

- c. **Economic Development Committee** – The February Economic Development Committee meeting was cancelled.

- d. **Environmental Advisory Council** – Mr. Kaag noted discussions surrounding the Community Garden and Earth Day. Also, the committee met with the Shade Tree Commission for a presentation on the tree inventory findings. Mr. Wert inquired as to discussions on increasing the EAC budget. Mr. Kaag stated that costs would need to be reviewed to determine what increase would be needed to potentially provide additional funds for training.

Motion to accept the Environmental Advisory Council report. **Moved** by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 6-0.**

Mr. Unger departed the meeting at 8:49 p.m.

- e. **Traffic & Infrastructure Committee** – Due to the lack of a quorum the meeting was used as a workshop. There were a number of public comments from residents on issues such as speeding and stop signs.

Motion to accept the Traffic and Infrastructure Committee report. **Moved** by Mrs. Bressler and seconded by Mr. Wert. **Motion carried 6-0.**

- f. **Shade Tree Commission** – Mr. Murray referred to the minutes and noted a presentation by a DCNR representative to review the tree inventory findings. The Open Tree Map App shows the inventory of approximately 1,200 trees, allowing changes to be made to the inventory via the App. Mr. Wert stated that there is currently a good diversity of tree species, however further diversity was recommended for the resilience of an urban forest. Information was provided in the report as to the financial benefits of trees such as energy conservation, stormwater filtration, air quality improvements, and the removal of carbon dioxide. The App also provides suggestions as to additional tree placement opportunities. Mr. Kaag noted that a shade tree could increase the value of a home by 10-12%.

Motion to accept the Shade Tree Commission report. **Moved** by Mr. Lincoln and seconded by Mrs. Kaag. **Motion carried 6-0.**

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

Motion to accept the Safety Committee report. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 6-0.**

- h. **Finance Committee** – The February Finance Committee meeting was cancelled.

14. **TREASURER'S REPORT:** Mr. Imbesi noted that the 2020 training budget has currently been exhausted and is over budget by \$359. Mr. Imbesi requested that any future training expenses be brought to his attention prior to expending additional funds.

- a. **Financial Statement Ending 1/31/20** – There were no questions or comments.
- b. **Payment Approval Report 1/22/20 to 2/14/20 & 2/15/20 to 2/18/20** – There were no questions or comments.

Motion to approve the Financial Statement ending 1/31/2020 and the Payment Approval reports for 1/22/20 to 2/14/20 & 2/15/20 to 2/18/20. **Moved** by Mr. Lincoln and seconded by Mr. Kaag. **Motion carried 6-0.**

Motion to accept the Treasurer's report. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 6-0.**

15. **PUBLIC COMMENT:**

Mr. Rogers questioned if the public can comment during the meeting. Mr. Becker stated that under the Sunshine Act comments on Agenda items are done during the first public comment session. The Council President has the ability to allow additional comments as appropriate, but typically the meeting runs in an orderly course. Mr. Rogers stated that having the ability to ask questions and receive answers during a meeting would reduce the number of Right-to-Know requests submitted. Mrs. Kaag explained that answers to questions must be provided carefully because of the Right-to-Know laws. If a question is asked on an Agenda item and can be answered appropriately, it will be answered. In order to stay compliant with Right-to-Know laws Council must answer questions with caution. Mr. Rogers stated that he accepted that response.

Mr. Rogers noted a recent amendment to the rental occupancy fee schedule to accommodate larger apartment complexes and hopes that funds are collected from the Lofts in the near future.

Mr. Zeeger reported that the Sunshine Act gives the public a right to comment on items before the board, and that the agency must provide the public with an opportunity to comment before a decision is made. Mr. Becker stated that is why there is a public comment period at the beginning of the meeting and that the board is following the law. The Council meeting is run as a business meeting.

Mr. Rogers stated that he researched past meeting minutes where in 2014 a grievance had been filed on the hiring of a Sergeant after he questioned the board's decision. Mr. Rogers explained that the intent in asking questions is to prevent additional costs incurred by the Borough or the community.

16. ADJOURNMENT:

Motion to adjourn the meeting at 9:06 p.m. **Moved** by Mrs. Kaag and seconded by Mr. Lincoln.

Motion carried 6-0.

Respectfully submitted,

Cynthia Madeira
Borough Secretary