

BOROUGH OF WEST READING – BOROUGH COUNCIL
February 19, 2013 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, February 19, 2013 with the following persons present: Council President Kevin M. Conrad; Vice President James J. Gallen Jr.; Council Members Elizabeth L. Heckler, Nathalie R. Kulesa, Amy B. Good, Philip C. Wert; Mayor Shane J. Keller; Borough Manager Richard J. Sichler; Sgt. Keith Phillips OIC; Fire Chief Mark D. Burkholder; Borough Solicitor Daniel P. Becker; Public Works Director Dean E. Murray; Elm Street Manager Dean L. Rohrbach; Administrative Assistant Cathy L. Hoffman; GVC Engineer Scott Anderson. Council Member Deborah Hutcheson and Chief Code Enforcement Officer Tracey L. Levering were unable to attend.

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| <u>VISITORS:</u> | Ruth Cardell | Temple |
| | Scott Weber | Olsen Design Group Architects |
| | Linda Marburger | Resident |
| | Vincent Giannotti | Property Owner |
| | Edward Fabriziani | Fleetwood |
| | James T. Rogers | Resident |
| | Michael Doyle | Resident |
| | Christian Doyle | Resident |
| | Karen Livingood | Resident |
| | Carl Garman | Resident |
| | Mike Leagans | Resident |
| | Audrey Schaeffer | Resident |
| | Oswald Herbert | Resident |
| | Grace Craze | Resident |
| | Peter Gustis | Resident |
| | John Weidenhammer | Penn Corridor Initiative |
| | Amber Rambo | Resident |
| | Tina Shenk | Business/Property Owner |
| | Becca Gregg | Reading Eagle |
| | Eddie Daniels | Resident |
| | Scott Ziegler | Wyomissing Area Little League |

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

2. **PRESENTATIONS:**

Penn Corridor Initiative – Path and Way Finding – Scott Weber (Olsen Design Group) spoke about the path and way finding signage that has been proposed for the Penn Corridor, by the Penn Corridor Initiative. He provided photographs and diagrams representative of the signs which will be located at 5th & Penn and 7th & Penn in West Reading and detailed the work for the remainder of the corridor that will be carried out in two phases. It was noted that in West Reading, the signs (blades) will be placed on existing green posts, however they will be on the inside of the post and will not hamper the placement of the banners that are hung on the outside of these posts.

Maintenance of the signs was also discussed and Mr. Weber stated that although maintenance funds have not been budgeted, they will find the funds if replacement of a sign blade is necessary. He added that the signs are made with reflective material that will fade somewhat, however they are not expected to need much maintenance. Mr. Weidenhammer also noted that they will be maintaining a reserve fund to cover any damage that may occur from vandalism, weather, or accidents and for maintenance once the blades begin to age.

In addition to the maintenance issue, there was a question if the signs will meet the requirements of the zoning ordinance, therefore Mr. Becker recommended the following course of action:

- Have Mrs. Levering review the information and determine if it conforms; if not the request can be taken to the Zoning Hearing Board or have the ordinance amended to include this type of signage;
- Ascertain the ownership issues such as responsibility for maintenance, installation, removal, replacement, etc.

Mr. Weber said that they are hoping to install the signs within 45 days.

After fielding some questions from those in attendance, Mr. Conrad thanked Mr. Weber and noted that Council will have an answer for the next Council meeting in March.

Surveillance Cameras – There was no presentation at this time.

3. **PUBLIC COMMENT:**

Vince Giannotti spoke about the replacement of a pipe at the property he owns (730 Reading Avenue) that he completed for \$57 when the estimates from a Master Plumber ranged from \$1800 - \$2000. He didn't feel that it was necessary to have the work done by a Master Plumber and was unhappy about the triple fee he has to pay because he didn't obtain the necessary permit. Mayor Keller, who is in charge of the Codes Department, said that Council has enacted the ordinances therefore Mrs. Levering is required to enforce them. Mr. Conrad said that he has been discussing some of these issues with Mr. Gallen, and that Council will be discussing this over the next month. He said that at this point there is nothing they can do because it is an enforcement issue. Mr. Conrad said that either he or Mayor Keller would speak with Mrs. Levering to obtain further information and contact him within a few days.

Linda Marburger spoke about the work that she has had to complete in conjunction with the sale of her house at 434 Sunset Road and noted that she has spent \$4000 to bring everything up to code. She said that the 82 year old house has a vent in the bathroom that is original to the home but she is being required to move it as part of the pre-sale inspection. She asked Council to overrule the requirement and mentioned another contentious issue - the replacement of her sidewalk, which she feels is excessive.

Much discussion ensued regarding the vent in particular as well as other code requirements that may be excessive. Mr. Gallen hoped that this resident could be given some relief so she could proceed with the sale of her home because it does not seem to be a safety issue. He felt that Council has gone beyond the Uniform Construction Code requirements. Mr. Conrad explained that the pre-sale inspection portion of the UCC is not mandatory, but years ago Council decided to opt into it and has continued to use it since then. He said that the Borough is getting to the point where we are over regulating some things and perhaps it is time to take another look at it. Ms. Good noted that the decision made by Council at that time was for safety reasons as well as keeping housing in saleable condition and therefore wondered if there was a way to consider these types of situations without Council granting waivers on a case by case basis.

Mr. Conrad said that the pre-sale inspection as it currently exists is cumbersome and as in Mrs. Marburger's situation, homes that are 80 – 90 years old do not meet today's standards.

Council then discussed if all pre-sale inspections should be suspended and the liability of doing so. It was then suggested that a committee be formed to review the process which would consist of a plumber, an electrician, a realtor, along with members of Council. Recommendations would then be brought back to Council at the next meeting.

Based on Council's desire to make the pre-sale inspection process less onerous for property owners, it was decided that inspections would not be suspended, however Mayor Keller would provide waivers, as necessary, for items that are deemed to be excessive. Homeowners will make their appeals to Mayor Keller directly, until the issue is resolved by Council. Mayor Keller then waived Mrs. Marburger's vent requirement.

Mrs. Heckler, Mr. Gallen, Mr. Conrad and Chief Burkholder agreed to sit on the committee to review the process. A local realtor has already agreed to participate, and a local plumber will be contacted.

Moved by Mr. Gallen and seconded by Mrs. Heckler to grant Mayor Keller the authorization to hear any appeals to the pre-sale inspections that are being done to determine whether or not the items are issues that should be enforced or whether they can be waived. **Motion carried.**

Tina Shenk asked about the regulations that the Borough is currently using and Mr. Becker explained about the UCC and Ordinance 889. She commented that she hears complaints from property owners about items that are being enforced that go beyond what the UCC stipulates. Mr. Conrad reiterated that it is Council that enacts the ordinances that the Codes Department enforces, therefore change must come from Council first.

Oswald Herbert spoke about sidewalks and the excessive regulations concerning them. Mr. Conrad said that this is another item that will be discussed.

James T. Rogers commented that the public should be allowed to speak at any point during the meeting and not relegated to the public comment sessions at the beginning and end of the meeting.

Christian Doyle commented about the Code requirement for a second inspection if 30 days elapses before the property goes to settlement. He felt that it should be extended beyond 30 days. He also complained about being required to obtain a permit for replacing a sink and vanity which is not required under the UCC. Mr. Becker explained that Ordinance 889 goes above and beyond the UCC, which is why the Codes Department must require permits for this type of work. Mr. Conrad noted that this will also be discussed in committee.

Grace Craze spoke about the importance of installing surveillance cameras on Penn Avenue and told Council about being held up at gun point at her work (Lukoil). She felt that had there been cameras on Penn Avenue, police personnel would have had more success in finding the individual. Mr. Conrad updated everyone concerning the camera grant that was discussed at January's Council meeting by stating that after receiving more information, it is possible that the grant may still be available. He also said that even if it is not, funds have been budgeted to install surveillance cameras.

Amber Rambo spoke about the absence of a Zoning Ordinance online that anyone can use to find out what is permitted in the Borough. She asked why the Borough has not done this and Mr. Sichler said that our ordinances need to be codified and funds have been allocated to do so this year. He has proposed that a searchable database be available on the Borough website to make the process easier. A scanned version of the Code of Ordinances would not provide the same completeness of information. Mr. Conrad asked Mr. Sichler to have a presentation at the next Council meeting regarding options for placing this information online and the benefits of a searchable database.

4. **APPROVAL OF COUNCIL MINUTES:**

Moved by Mr. Gallen and seconded by Mrs. Heckler to approve the minutes of January 15, 2013. **Motion carried.**

5. **UNFINISHED BUSINESS:**

Commission/Board/Committee Vacancies – Two letters of interest have been received, one from Oswald Herbert who is volunteering to serve on either the Zoning Hearing Board or the Planning Commission, and Jessica Wolf Nelis who wishes to serve on the Planning Commission. It was determined that Mr. Herbert would not be able to serve on the Zoning Hearing Board because he currently serves on the Joint Municipal Authority of Wyomissing Valley Board. Therefore both individuals were considered for the Planning Commission. Mr. Wert (chair of the Planning Commission) noted that having an architect on the Planning Commission in the past has been very valuable and therefore recommended that Ms. Nelis (an architect) be appointed to the Commission. **Moved** by Mr. Wert and seconded by Mrs. Kulesa to nominate Ms. Nelis for the vacancy on the Planning Commission. **Motion carried.**

6. **ORDINANCES/RESOLUTIONS:**

- a. **Ordinance 1020** – Mr. Conrad read the list of handicapped parking spaces that will be created with the passing of the ordinance.

Moved by Mr. Wert and seconded by Mr. Gallen to approve Ordinance 1020. **Motion carried.**

- b. Ordinance 1021 – Mr. Conrad read the title of the ordinance which amends the provisions pertaining to the appointment of individuals to serve on the West Side Emergency Management Agency Council.
Moved by Mr. Gallen and second by Mrs. Heckler to approve Ordinance 1021. **Motion carried.**

7. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker had nothing further to report.
- b. Engineer's Report – Scott Anderson (GVC) reported that they are ready to go forward with the S. 7th Avenue curb and sidewalk project. **Moved** by Mr. Wert and seconded by Mrs. Heckler to advertise the bid specifications for the S. 7th Avenue project. **Motion carried.**

Mrs. Heckler and Mrs. Kulesa asked about the pool painting project and Mr. Sichler said that the third quote has finally been received and submitted to the bonding company.

Moved by Mrs. Kulesa and seconded by Mr. Wert to approve the Engineer's Report. **Motion carried.**

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

- a. Parkview Road Bridge – Mr. Sichler said that word was received in late January from PennDOT that after the annual inspection of the bridge using their new method to calculate load capacity, they changed the rating from unlimited to 6 tons maximum capacity. This impacts all large school buses, all fire apparatus, large delivery vehicles, etc. He noted that there has not been a change in the condition in the bridge, just in PennDOT's method of evaluation. It was noted that the County is still holding \$330,000 in funds for the bridge, which includes engineering studies. It was noted that it appears that the underside of the bridge needs to be replaced and if it is determined that funds are not sufficient to make the necessary repairs, the funds can be used to close the bridge.

Moved by Mr. Gallen and seconded by Mr. Wert to authorize Mr. Sichler to seek proposals from qualified bridge engineers for an engineering cost estimate for the rehabilitation of the bridge to bring it back into PennDOT specifications. **Motion carried.**

- b. Cell Phone Contract – Mr. Sichler said that the Nextel network no longer functions as it has in the past due to changes by Sprint, yet their pricing has increased therefore he has obtained pricing from Verizon for Borough cellular phone service. The Verizon pricing is through a GSA contract which will make all plans consistent and will be negotiated annually. Initially, switching to Verizon will save the Borough approximately 8%. Many other local municipalities have switched to Verizon and they report very good coverage. **Moved** by Mr. Gallen and seconded by Mr. Wert to authorize Mr. Sichler to switch the cell phone plan to Verizon. **Motion carried.**

- c. Pension Funds RFP – Pension fund quotes were requested in 2012 however only two were received therefore no action was taken at that time. Since then the RFP has been rewritten to allow companies with as few as 30 municipal clients to quote. As well Mr. Sichler recommended that the RFP remain open for a three week period and that print advertisements be used as well as online ads. **Moved** by Mr. Wert and seconded by Mrs. Heckler to advertise the RFP for the pension funds. **Motion carried.**

Moved by Mr. Gallen and seconded by Mr. Wert to approve the Borough Manager's Report. **Motion carried.**

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

Mayor Keller referred to the December 3rd West Reading Community Revitalization Foundation minutes that were distributed to Council. He had nothing further to add and there were no questions.

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

10. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering was not in attendance therefore no verbal report was given.

Moved by Mr. Wert and seconded by Mrs. Heckler to approve the Chief Code Enforcement Officer's written report. **Motion carried.**

- b. Police Department – Sgt. Phillips referred to his written report and commented that he is very much in favor of surveillance cameras being installed on Penn Avenue and feels that they are a vital component in curbing crime. He added that there are thousands of communities nationwide that are using them to great advantage. Privacy was briefly discussed and it was noted that there would be no non-police personnel monitoring the cameras. Mr. Conrad said that although it's important to have these cameras on Penn Avenue, it will be necessary to have a policy in place to ensure that privacy is addressed. Funds have been budgeted and there is a possibility that the grant may still be attainable. The cost of the project necessitates that it must be put out for bid, and once the low bidder is determined, they will be asked for information specific to privacy issues. **Moved** by Mrs. Heckler and seconded by Mr. Gallen to advertise for bids for four cameras per the grant specifications. **Motion carried.**

Sgt. Phillips also noted that he would like to begin the process to purchase vehicles, per the budget. He said that purchasing information is contained in his written report to Council and noted that he is hoping to have delivery in late April or early May. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to authorize Sgt. Phillips to proceed with the purchasing of the vehicles that were budgeted for 2013.

Motion carried.

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

- c. Public Works – Mr. Murray said that it was a busy month with several sewer line and sewer main blockages as well as two water main breaks. He added that as part of an energy saving project, several motion sensor light switches were installed in restrooms in several borough buildings.

Moved by Mr. Wert and seconded by Mrs. Heckler to approve the Public Works Director's Report.

Motion carried.

- d. Fire Department – Chief Burkholder said that he had provided both his written report and the Fire Department's Annual Report for 2012.

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the Fire Chief's Report. **Motion carried.**

- e. Elm Street – Mr. Rohrbach said that Council had received the most recent Neighborhood Advisory Committee minutes as well as a report about the current PARR project. He also requested the following street closures on behalf of Main Street:

- Jazz on the Avenue (600 block only) → Friday, April 12th 5:30 p.m. to 11:00 p.m.
- Art on the Avenue (entire 400-700 blocks) → Saturday, June 15th 8:30 a.m. to 7:30 p.m.
- Fall Festival on the Avenue (entire 400-700 blocks) → Saturday, September 21st, 9:30 a.m. to 10:30 p.m.

Moved by Ms. Good and seconded by Mr. Gallen to approve the street closures as presented. **Motion carried.**

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

11. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Kulesa reported that the Wyomissing Area Little League attended the February Recreation Commission meeting to discuss their request to refurbish the ball fields so that it can be used for soccer, baseball, football and lacrosse. Mr. Conrad noted that the Wyomissing Area Little League is only requesting use for baseball. It was also noted that the field is also used for softball once per week by the fire company. Scott Ziegler, President of the Wyomissing Area Little League was in attendance and spoke about their proposal to refurbish the field nearest to the pool and maintain the softball field for use by the T-ball League for T-ball instruction and softball needs as well. Their intention is to reconfigure the field to meet little league criteria and are ready to spend \$5000 to \$6000 to make the field usable by multiple leagues as a multi-purpose field. A drawing of the proposed plan was distributed and Mr. Sichler explained that the multi-purpose field area would be the outfield for little league. He added that changes to the multi-purpose field would not necessarily be completed in 2013

and that there are several groups willing to help refurbish the field such as Berks Catholic Lacrosse, Wyomissing Lacrosse, an adult soccer league and Berks Catholic Youth Football. There was some concern about which groups would take priority with the field and Mr. Becker said he had been asked to draft a lease that would detail its use. He also explained the stipulations that would be included in a potential lease agreement including responsibilities of the League and of the Borough. He added that priority for use could be determined by the level of contribution.

Mr. Sichler said that to begin the process, the area must be surveyed to ensure that drainage issues are addressed. The cost of creating a master plan would be between \$2000 and \$3000 which could be covered from the Recreation budget.

Moved by Ms. Good and seconded by Mrs. Kulesa to grant approval to the Wyomissing Area Little League to begin the renovations of the baseball portion of the field, subject to the general terms as discussed by Council, and any additional conditions that may be added by the Recreation Commission to the written agreement, to be executed by the appropriate parties. **Motion carried.**

Moved by Mr. Wert and seconded by Mrs. Heckler to approve the Recreation Commission Report. **Motion carried.**

- b. Planning Commission – Mr. Wert stated that at their last meeting, the Planning Commission had recommended approval of a minor subdivision for the property at 605/607 Penn Avenue, contingent upon the comment letter being received from the Berks County Planning Commission, and any of their concerns addressed. The letter has since been received with no concerns that require action. **Moved** by Mr. Gallen and seconded by Mrs. Heckler to approve the minor subdivision at 605/607 Penn Avenue. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the Planning Commission Report. **Motion carried.**

- c. Traffic Committee – Mr. Conrad reported that the only action item concerned the restriction of parking for street sweeping. He added that this pilot project began last year and based on its success, Mr. Murray has asked to add more streets to the program. Mr. Conrad reviewed the changes as proposed in the ordinance, which included other restrictions as well for recycling days in certain alleys. **Moved** by Mrs. Kulesa and seconded by Mr. Gallen to advertise the ordinance. **Motion carried.**

Moved by Mrs. Kulesa and seconded by Mr. Wert to approve the Traffic Committee Report. **Motion carried.**

- d. Infrastructure Committee – Mr. Conrad reported that the Committee had discussed potential projects for 2013, including the paving of certain alleys, a water project on Kent Way, the Olive Street lift station rehabilitation and painting the older portion of Borough Hall.

Moved by Mr. Gallen and seconded by Mrs. Heckler to approve the Traffic Committee Report. **Motion carried.**

- e. Environmental Advisory Council – There were no questions concerning the January 28th minutes.

Moved by Mrs. Kulesa and seconded by Mrs. Heckler to approve the Environmental Advisory Council Report. **Motion carried.**

- f. Safety Committee – There were no questions concerning the January 16th minutes.

Moved by Mr. Wert and seconded by Mrs. Kulesa to approve the Safety Committee Report. **Motion carried.**

12. **TREASURER'S REPORT:**

- a. **Moved** by Mr. Gallen and seconded by Mr. Wert to approve the Revenues with Comparison to Budget Report for the month ending 1/31/2013. **Motion carried.**

- b. **Moved** by Mrs. Kulesa and seconded by Mr. Gallen to approve Payment Approval Report for 1/15/2013 - 2/11/2013 and 2/15/2013 – 2/19/2013. **Motion carried.**

13. **PUBLIC COMMENT:**

James T. Rogers asked about the parking restrictions on Grape Street at 5th Avenue, and commented about the incomplete Belovich development as well as the status of the Parkview Road Bridge.

14. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:29 p.m. to discuss personnel. When the meeting reconvened at 10:05 p.m., it was **moved** by Mrs. Kulesa and seconded by Mrs. Heckler to hire Abigail Burkhart for the part-time Recreation Coordinator position, pending success background checks and pending salary negotiations. **Motion carried.**

15. **ADJOURNMENT:**

Moved by Mrs. Heckler and seconded by Mr. Wert to adjourn the meeting at 10:07 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant