

## BOROUGH OF WEST READING – BOROUGH COUNCIL

**October 21, 2014 – 7:00 p.m.**

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, October 21, 2014 with the following persons present: Council President James J. Gallen, Jr.; Vice President Philip C. Wert; Council Members Elizabeth L. Heckler, 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; Borough Engineer Tom Unger; Administrative Assistant Cathy L. Hoffman. Elm Street Manager Dean L. Rohrbach was unable to attend.

<b>VISITORS:</b>	Ruth Cardell	Temple
	James T. Rogers	Resident
	Jim & Karen Livingood	Residents
	Audrey Schaeffer	Resident
	Sheila Yasher	Resident
	Amber Rambo	Resident
	Oswald Herbert	Resident
	Tina Shenk	Property Owner
	Becca Gregg	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.
2. **PUBLIC COMMENT:**  
**James T. Rogers** asked about the agreement with the Hospital and grease trap inspections.
3. **APPROVAL OF COUNCIL MINUTES:**  
**Moved** by Ms. Craze and seconded by Ms. Hutcheson to approve the minutes of the September 16<sup>th</sup> Council meeting. **Motion carried.**
4. **ORDINANCES / RESOLUTIONS TO BE ADOPTED:**  
**Resolution 2014 – 10 Police Officers’ Contribution to Pension Plan** - Mr. Sichler stated that because the Borough doesn’t require police officers to contribute the full amount allowed by law toward their pensions, each year a resolution must be passed. For 2015, the amount is 4.5%.  
**Moved** by Mrs. Kulesa and seconded by Mr. Garman to approve Resolution 2014 – 10. **Motion carried.**
5. **UNFINISHED BUSINESS:**
  - a. **417 Franklin Street** – Mr. Garman said he asked to have this on the agenda because of the mold that is spreading to the neighboring property owned by Mrs. Schaeffer. It was noted that all available means of contacting the owner of 417 have been utilized however no one has been successful in reaching him. Mr. Becker said that County Redevelopment is very interested in becoming involved with the property and are in the process of forming a blighted property committee themselves however they will not be able to do anything until next year. After some discussion it was decided to move forward and Mr. Becker outlined the next steps that would need to be taken and also warned Council that by doing so, any costs incurred by the Borough may not be recoverable. The next steps are:
    - Obtain the warrant that will permit the Borough to secure the building
    - Gain access to the property, document any damage and take photographs

- Secure the building by tarping the roof and securing the basement door to prevent unauthorized access
- Obtain the second warrant to remediate the most urgent issues such as the mold in the basement

**Moved** by Ms. Craze and seconded by Mrs. Heckler to authorize Mr. Becker to proceed with obtaining the necessary warrants as discussed. **Motion carried.**

- b. 425 Chestnut Street** – It was noted that the owners have been in touch with the Borough and have indicated that they wish to travel to West Reading to make repairs to the building, however they want to be certain that they will not be arrested when they arrive. It was also noted that a warrant had been obtained and the building was secured, however the next step which is the Act 90 process will not happen overnight. Mr. Unger also stated that there was no water or mold present in the basement when they were in the property to secure it.
- c. 400 Penn Avenue ('smoker' issue)** – An update was provided concerning the property. Mrs. Levering indicated that the notice has been issued and the business owner has 20 days to remedy the situation or remove the smoker. The notice was issued on October 18<sup>th</sup> therefore the owner must comply by November 7<sup>th</sup>. It was noted that the business did meet the zoning requirements when the owner applied for the permit but was notified at that time that the performance standards must be met.
- d. Hail Damage** – Mr. Sichler said he met with the adjuster concerning the Fire Company and Borough Hall and that they are not in agreement concerning the amount of damage that needs to be repaired. He will continue to work on the situation.

6. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report** – Mr. Becker spoke about the Belovich properties and the dedication of the roads and infrastructure. Discussion ensued about the Borough accepting the roadways if they have not been completely finished. There also was a concern about obtaining an easement to access the water lines if all of the streets are not dedicated at the same time. Mr. Unger was asked to prepare a drawing indicating the streets that have been completed and the locations of the water lines to assist in this decision. It was also noted that the Borough still holds funds in escrow for any work that is not yet completed.

Mr. Wert also asked if the unfinished properties are being actively marketed and Mr. Becker said that he had asked the bank about it but they haven't gotten back to him as yet.

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

- b. Engineer's Report** – Mr. Unger reported concerning the following:
- The retaining wall project specifications are complete and are ready to be advertised. The bids should be received by mid-December.
  - The Olive Street pumping station rehab project will soon be advertised with bids being received by mid-December.
  - Water lines have been replaced on Kent Way and are operational. Curbing is being replaced where necessary and blacktopping will begin during the coming week. It was noted that curbs are only being replaced where street trees have pushed them out of alignment which is about 10 to 15 feet per tree.
  - A change order is necessary for the Kent Way project – two additional tree needs to be removed and the stumps ground. There were some additional changes which resulted

in overall savings of \$4212. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to approve the change order. **Motion carried.**

**Moved** by Ms. Craze and seconded by Mr. Wert to approve Payment Application #1 to A. H. Moyer in the amount of \$113,400.90. **Motion carried.**

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

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

- a. **Certification of Uncollected Real Estate Taxes** – Mr. Sichler referred to the certification document as requested by the Berks County Tax Claim Bureau. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to authorize the Certification of Uncollected Real Estate Taxes. **Motion carried.**
- b. **Liquid Fuels Tax Fund Monitoring Report** – Mr. Sichler reported that as part of the Liquid Fuels Audit for 2013 there was one finding – a late receipt of allocations. He noted that there were problems with the online PennDOT system and everything has since been rectified.
- c. **Creation of Tax Bureau** – Mr. Sichler said that it has been proposed that the TCC and Berks EIT combine operations to eliminate duplications in collection services and to economize. The largest change for municipalities will be in the delegates as there will only be one delegate and one alternate per school district. The Wyomissing Area School District has only two municipalities therefore one delegate can be from each Borough. Mr. Sichler said that if he and Wyomissing Manager Marti Hozey are appointed, they can alternate attending the Tax Bureau Board meetings. **Moved** by Mr. Wert and seconded by Ms. Craze to authorize the execution of the agreement and approve resolution 2014-11. **Motion carried.**
- d. **Susquehanna Municipal Trust Revised Agreement** – The Susquehanna Municipal Trust handles the Workers Compensation for the Borough and the proposed agreement is simply a restatement of the agreement. Mr. Sichler noted that the Trust is consortium that is run by various municipalities. **Moved** by Ms. Craze and seconded by Mr. Garman to enter into the agreement. **Motion carried.**
- e. **County of Berks Increases in Dispatching Services Costs** – Mr. Sichler referred to the letter from the County Commissioners explaining the fee increase for dispatching services. The cost is expected to be 18% per year through 2017.
- f. **Trash and Recycling RFP** – Mr. Sichler reviewed some of the changes to the Trash and Recycling RFP such as the deletion of the 'comingled' section and the one pick-up per week option. Mr. Wert asked if it would be possible to add curb side pick-up of yard waste as an option to see how the pricing will be. Mr. Sichler said it would be added. **Moved** by Mr. Garman and seconded by Ms. Craze to authorize the advertising of the Trash, Recycling and Yard Waste RFP. **Motion carried.**
- g. **Rock Salt Contract** – Mr. Sichler reported that the Borough's primary source for salt is Co-Stars which has come in at \$63.33/ton delivered. The Borough is obligated to purchase at least 150 tons but a maximum of 350 tons, however last winter 650 tons were used therefore an additional source is necessary as a back-up. He asked permission to enter into a piggy back contract with the City of Reading and the BCCPC. Their cost is \$72.51 delivered, however there is the option to pick it up in emergency situations from the City at \$69.01 per ton. There is no obligation to purchase a specific tonnage under this contract. **Moved** by Ms. Craze and

seconded by Mr. Garman to award the Berks County Cooperative Purchasing Council contract to American Rock Salt at the prices specified. **Motion carried.**

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

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

Mayor Rodriguez reported the following:

- At the last Mayor's Advisory Committee meeting, it was recommended that Mr. Oswald Herbert be appointed to the Committee. **Moved** by Mr. Wert and seconded by Mrs. Heckler to appoint Oswald Herbert to the Mayor's Advisory Committee. **Motion carried.**
- The fee schedule needs to be amended to include fees for grease trap inspections. It was noted that the ordinance will need to be amended as well to allow for the inspections to be completed and the fee to be collected. **Moved** by Mr. Wert and seconded by Ms. Craze to authorize the preparation and advertising of the grease trap ordinance amendment as well as the fee schedule resolution. **Motion carried.**
- A letter from Chief Powell regarding the selling of alcohol at the Farmers' Market was also discussed at the Mayor's Advisory Committee and a recommendation was made that Council disapprove of these sales.
- Mayor Rodriguez had attended the Wyomissing Area School District Board meeting to reiterate his proposal concerning West Reading being more fairly represented on the School Board.

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

9. **DEPARTMENT REPORTS:**

- a. **Code Enforcement** – There were no questions for Mrs. Levering concerning her written report. Mayor Rodriguez mentioned an item under Mr. Civitarese's report concerning the area under the Penn Street Bridge which is being inhabited and has accumulated some potentially hazardous debris. PennDOT has been approached about installing a taller fence to close the area off. Chief Burkholder commented that this has been an issue for a very long time and despite some attempts to clean up the area and prevent its inhabitation, the problem remains.

**Moved** by Mrs. Kulesa and seconded by Ms. Hutcheson to approve the Chief Code Enforcement Officer's Report. **Motion carried.**

- b. **Police Department** – Chief Powell noted the following from his written report:
- An Executive Session was requested for labor issues.
  - Two applications for Handicapped Parking Spaces have been received - on Kline Street and Sycamore Road. He indicated that spaces are available adjacent to the properties and there are no conflicts with other handicapped spaces on either street. **Moved** by Ms. Hutcheson and seconded by Ms. Craze to advertise the ordinance amendment. **Motion carried.**
  - Chief Powell also provided a brief update concerning the camera project.

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

- c. **Public Works** – Mr. Murray had nothing to add to his written report, however there was a question about the condition of the football field. There was some discussion about who is supposed to take care of the field and if the groups using the field were going to be responsible for some of the work.

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

- d.. **Fire Department** – Chief Burkholder had nothing to add to his written report but it was noted that the emergency siren has not been working properly and will be repaired.

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

- e. **Elm Street** – Mr. Rohrbach was not in attendance therefore no report was given. It was noted that a written report had been included in the Council packet.

10. **COMMITTEE/COMMISSION REPORTS:**

- a. **Recreation Commission** – Helen Moyer referred to the minutes that had been included in Council's packet. She also spoke about the condition of the field and noted that there is a soccer group who would like to use the field and would be willing to take care of the maintenance. She also thanked the crew and Recreation Commission for their assistance with the Hayride, which had 490 participants over the two evenings. She also thanked Crime Watch for their assistance in helping to stop vandalism although some did occur.

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

- b. **Planning Commission** – Mr. Wert spoke concerning the following:

- A technical assistance grant application has been submitted to Smart Growth America for assistance with 'Planning for Economic and Fiscal Health'.
- Guidance is requested from Council concerning the animal ordinance. Mr. Wert said that a list of ideas could be proposed and brought to Council before the actual language is brought together. He mentioned urban animal keeping which is what major cities across the country are moving toward. Examples of this type of use includes the keeping of bees and chickens, however it would only be permitted if the proper setbacks and criteria are met. The Environmental Advisory Committee is also on board with these types of changes and will work with the Planning Commission in writing the Ordinance. More information will be forthcoming.
- The Code of Ordinances is also being reviewed as part of the digital codification that is being done by General Code.

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

- c. **Environmental Advisory Council** – There were no questions concerning the written report.

**Moved** by Mr. Wert and seconded by Ms. Hutcheson to approve the Environmental Advisory Council Report. **Motion carried.**

- d. **Safety Committee** – There were no questions concerning the minutes.

**Moved** by Mrs. Heckler and seconded by Ms. Craze to approve the Safety Committee Report. **Motion carried.**

- e. **Economic Development Committee** – No meeting was held due to the Columbus Day holiday.
11. **TREASURER'S REPORT:**
  - a. **Revenues with Comparison to Budget:**

**Moved** by Ms. Craze and seconded by Mrs. Kulesa to approve the Revenues with Comparison to Budget Report for the 9 months ending 9/30/2014. Ms. Craze had some questions concerning Public Works general expenses, training expenses, and vehicle maintenance repair which Mr. Murray answered. In response to a question concerning Shade Trees, Mr. Sichler said he would have to look into it. **Motion carried.**
  - b. **Payment Approval Report:**

Ms. Craze asked about an expenditure for lunches that were purchased for the crew and Mr. Murray said he would find out and report back to her.

**Moved** by Ms. Craze and seconded by Ms. Hutcheson to approve Payment Approval Report for 9/12/2014 - 10/17/2014 and 10/18/2014 – 10/21/2014. **Motion carried.**
12. **PUBLIC COMMENT:**

**Amber Rambo** spoke about the feral cat program and noted that she had overheard a neighbor saying that he didn't have to worry about his cat being outside unleashed because if it were to get picked up, it has a tag and would simply be returned. She also mentioned that people are not putting their trash in cans anymore which will contribute to the growth of the skunk population as was prevalent two years ago. Some discussion ensued about new residents being given a welcome packet that would provide important information such as the trash can requirement.

**Mr. Becker** noted that Mrs. Levering had received a Liquor License Transfer Application today for the property at 700 Penn Avenue. She and Mr. Sichler will be taking the necessary steps to schedule the Public Hearing within the time frame established by the Statute.
13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 9:13 p.m. When the meeting reconvened at 10:12 p.m., the following actions were taken:

  - **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve a police officer taking Sick and Family Time pursuant to the Collective Bargaining Agreement (converting vacation time to Sick and Family Time). **Motion carried.**
  - **Moved** by Mrs. Kulesa and seconded by Mr. Garman to retain the services of Chris Gerber of Siana, Bellwoar and McAndrew LLP to respond to a labor claim that has been filed and take whatever action is appropriate. **Motion carried.**
  - **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to authorize the filing of an unfair labor practice and breach of contract action in the Teamsters matter. **Motion carried.**
14. **ADJOURNMENT:**

**Moved** by Mrs. Kulesa and seconded by Ms. Craze to adjourn the meeting at 10:14 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman  
Administrative Assistant