

BOROUGH OF WEST READING – BOROUGH COUNCIL

March 19, 2013 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, March 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, Deborah Hutcheson, 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; Chief Code Enforcement Officer Tracey L. Levering; Public Works Director Dean E. Murray; Elm Street Manager Dean L. Rohrbach; Administrative Assistant Cathy L. Hoffman; Borough Engineer Terry Naugle. Council member Amy B. Good was unable to attend.

VISITORS:

Ruth Cardell	Temple	Ed Fabriziani	Fleetwood
James T. Rogers	Resident	Audrey Schaeffer	Resident
William J. Gernert	Resident	Amber Rambo	Resident
Jim Keller	Resident	Tina Shenk	Property Owner
Heather Phillips	Shillington	Pete Gustis	Resident
Carl Garman	Resident	Donna Ladd	Cumru Township
Karen Livingood	Resident	Grace Craze	Resident
Dave Major	Reading Hospital	Becca Gregg	Reading Eagle
David Morgan	SSM Group	Scott Weber	Olsen Design Group
Tom Parr	Ballinger		

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. **PUBLIC COMMENT:**
There was no public comment at this time.
3. **APPROVAL OF COUNCIL MINUTES:**
Moved by Mr. Wert and seconded by Mrs. Heckler to approve the minutes of February 19, 2013.
Motion carried.
4. **UNFINISHED BUSINESS:**
Penn Corridor Initiative – Scott Weber from Olsen Design Group was in attendance with Rick McDougall of the Penn Corridor Alliance to discuss the outstanding issues that Council had concerning the way and path finding signage that was discussed at the previous Council meeting. He said that regarding the maintenance of the signs, the Alliance will be using all funds in the purchase and installation of the signs, however if something were to happen within a five year period the Alliance would repair or replace any signs that might be damaged. After that point, the Borough would become responsible, however the signage is expected to last about 15 – 20 years before any fading, or damage to lettering occurs. Mr. Olsen noted that if the signs become damaged and the Borough is unable to replace them, they should be removed.

Regarding the zoning requirements for signs, Mrs. Levering said that this type of sign is exempt from the Borough's sign ordinance. Mr. Conrad also added that the West Reading Community Revitalization Foundation has formally endorsed the signs.

Moved by Mr. Wert and seconded by Mr. Gallen to grant approval for the installation of the signs.

Motion carried.

As a final note, Mr. Olsen said that the signs would be ready for installation within the next two weeks and that he would contact Mr. Sichler when they are ready to do the work.

Vacancies – It was noted that vacancies still exist on the Shade Tree Commission, Zoning Hearing Board, Recreation Commission, Environmental Advisory Council, and Vacancy Board.

Reading Hospital – Dave Major stated that the Hospital is requesting Final Approval for the proposed surgical tower project at 7th and Parkside Drive North. It was noted that the Planning Commission has recommended approval and had only one concern, which dealt with outstanding issues between the Hospital and the Joint Municipal Authority of Wyomissing Valley. Mr. Naugle explained that SSM has been in direct contact with the JMA's engineer and they are working out the details with the proposed retaining walls to ensure that it does not interfere with the sewer main. Mr. Becker noted that as of the last JMA meeting, those details have not yet been finalized. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to grant Final Plan approval conditional upon the Hospital satisfying the JMA's requirements. **Motion carried.** (Mr. Conrad abstained because he is employed by SSM.)

Surveillance Cameras – Mr. Conrad reported that the Borough wasn't able to secure the grant for the surveillance cameras on Penn Avenue, however a grant to install cameras in police vehicles has been approved. He thanked Mr. Sichler for obtaining the \$14,600 grant and Mr. Sichler reported that the contract is in place and the Borough now has 90 days to take possession. He noted that he and Sgt. Phillips were able to find the required cameras and they have been ordered. Mr. Conrad also noted that Mr. Sichler and Sgt. Phillips are preparing the specifications for the purchase of cameras for Penn Avenue which have been budgeted for this year.

5. **ORDINANCES/RESOLUTIONS:**

- a. Ordinance No. 1022 – Parking Prohibited (Street Sweeping) – It was noted that this ordinance expands the existing street sweeping program, addresses some parking issues on Grape Street, as well as cleans up items and resolves inconsistencies that were found in the previous ordinance. The ordinance has been advertised and is ready for adoption. **Moved** by Mrs. Kulesa and seconded by Ms. Hutcheson to approve Ordinance 1022. **Motion carried.** It was also noted that letters will be sent to all residents that will be impacted by the parking changes.

6. **CONSULTANTS' REPORTS:**

- a. Solicitor's Report – Mr. Becker noted that the "Little League" agreement was included in Council's packet and asked that any comments be given to Mrs. Kulesa. A plan for the field is being prepared and some minor changes have been made.

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

b. Engineer's Report – Mr. Naugle had several items for Council's consideration.

- Bids have been received for the S. 7th Avenue sidewalk project. Of the four bids received, low bidder was Reamstown Excavating at \$34,369. **Moved** by Ms. Hutcheson and seconded by Mr. Gallen to approve Reamstown Excavating as the low bidder for the 7th Avenue sidewalk project. **Motion carried.**
- Specifications are being prepared for the painting of the wood and columns at Borough Hall. **Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to advertise the bid for the painting of Borough Hall. **Motion carried.**
- The bonding company has agreed to pay \$33,600 to the contractor to finalize the painting of the pool which Mr. Naugle hopes will begin the first week of April. Good weather will be necessary to complete the project in a timely manner.

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

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

- a. Code of Ordinances Database - Mr. Sichler updated Council regarding the proposed codification of all Borough ordinances which would be available in various formats, and would be searchable and easily updatable. The initial one year project has been estimated to cost about \$14,000, however for an additional \$4000 (and an additional year) the ordinances could be reviewed for inconsistencies/conflicts within our own code. The cost could be borne over several budget years. At Council's request, Mr. Sichler will get a firm proposal from the company "General Code".

Mr. Sichler also noted that the recently updated Zoning Ordinance has been added to the Borough website, as suggested by a resident at a previous meeting.

- b. Parkview Road Bridge – An RFQ has been advertised for engineering firms to assist with the design of the repairs to the bridge per PennDOT requirements. The deadline for RFQs is May 2nd.
- c. Pension Funds RFP – An RFP has been advertised, and submissions will be accepted until March 22nd. The Pension Committee will then review them and make a recommendation to Council.
- d. 9-1-1 Addresses – Street addresses have been created for various municipal buildings as well as Sacred Heart Church. The addresses have been registered with the County's 9-1-1 system.
- e. Pre-sale Inspection Workshops – A committee was formed to review the pre-sale inspection issue. This committee was comprised of Mr. Conrad, Mr. Gallen, Mrs. Heckler, Mrs. Levering, Mr. Sichler, Chief Burkholder (electrician), Plumbing Inspector Will Gernert, Resident Jeroen Harmsen (also a Real Estate Agent). After two meetings, the majority of committee members felt that pre-sale inspections should be discontinued. Mrs. Heckler said that she was not in favor of the discontinuation because it is a safety issue given the age of homes in the Borough.

Mr. Sichler explained that the committee reviewed how other municipalities deal with this issue and thoroughly discussed the level of detail that the Borough uses when completing these inspections. It was the consensus of the group that pre-sale inspections do not capture much of the Borough given that only 40 inspections are completed each year. He noted that all other inspections (including rental) would continue as usual.

Discussion ensued regarding the safety aspect of this issue and it was recommended that

potential purchasers request their own home inspections. It was further noted that the FHA and other mortgage companies require inspections. Liability was also a consideration.

Moved by Mr. Gallen and seconded by Ms. Hutcheson to end the pre-sale inspections.

In favor of the motion – Ms. Hutcheson, Mr. Gallen, Mr. Conrad

Against the motion – Mrs. Kulesa, Mrs. Heckler, Mr. Wert

Mayor Keller opted to take up to 10 days to consider the issue before breaking the tie.

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

Motion carried.

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

Mayor Keller noted that the minutes from the January 17th West Reading Community Revitalization Foundation meeting were in Council's packets. He also announced that the part-time (evening) secretary for the Police Department had resigned at the beginning of March and requested permission to advertise for her replacement. **Moved** by Mr. Gallen and seconded by Ms. Hutcheson to approve the advertising of the part-time vacancy. **Motion carried.**

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Mayor's Report.

Motion carried.

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering referred to her written report. She also asked Council's leniency regarding the requirement for lids on trash cans. She explained that lids invariably go missing (or become broken) and can't be replaced without purchasing a new trash can. Mrs. Levering noted that on one trash day she took 100 violation pictures and over 60 of them were for cans without lids. After further discussion it was suggested to not enforce that portion of the ordinance on a temporary basis until it is determined if the skunks have become a bigger problem. Council was in agreement with the proposal, and Mayor Keller said he would render his decision in 10 days.

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

- b. Police Department – Sgt. Keith Phillips spoke about the following:

- He thanked Council for allowing the Department to move forward with hiring a new part-time secretary.
- A new policy manual has been created and will be distributed at the Department meeting on March 20th. Sgt. Phillips noted that he has been following Mr. Gerber's guidance regarding the policies being put in place.
- Of the four part-time officers hired last August, only one officer remains employed by the Borough. He commented that it would be more beneficial to hire a 13th full-time officer rather than part-time officers because historically they do not remain long with the department. He added that it is also more costly and they do not usually have the ties to the community that a full-time officer does. He asked that Council consider this.
- The purchase of the new vehicle has come in under budget.

Moved by Mrs. Kulesa and seconded by Ms. Hutcheson to approve the Police Chief's Report.

Motion carried.

- c. Public Works – Mr. Murray said he had nothing to add to his written report.

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

- d.. Fire Department – Chief Burkholder commented on the following:

- The chicken BBQ fundraiser will be held on March 24th.
- Ongoing Fire Company building problems include:
 - The heating system has been breaking down.
 - The oil separator for the drains has been malfunctioning but is finally fixed. It will need to become a routine maintenance item.
 - The garage door is breaking.

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

- e. Elm Street – Mr. Rohrbach noted that the Neighborhood Advisory Committee minutes for February had been distributed as well as the March PARR report.

Moved by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Elm Street Manager's Report. **Motion carried.**

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Mrs. Kulesa reported the following

- The new Recreation Coordinator, Abigail Burkhart.
- Interviews for summer staff were conducted and a list of those to be hired has been distributed. She asked for Council's approval however Mr. Conrad said that this would be discussed at Executive Session prior to a decision being made.
- The annual Easter Egg Hunt will be held on March 23rd at the Fire Company.

Moved by Mr. Wert and seconded by Ms. Hutcheson to proceed with the 4th of July Day activities. **Motion carried 5-1.** (Mrs. Heckler voted no.) It was noted that donations will be solicited from local businesses, as is done every year. Also, the Recreation Commission will look at other ways to fundraise for the event.

Moved by Mr. Gallen and seconded by Ms. Hutcheson to approve the Recreation Commission Report. **Motion carried.**

- b. Planning Commission – Mr. Wert provided a brief report of the March 6th minutes.

Moved by Ms. Hutcheson and seconded by Mr. Wert to approve the Planning Commission Report. **Motion carried.**

- c. Environmental Advisory Council – There were no questions.

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

- d. Safety Committee – There were no questions.

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

11. **TREASURER'S REPORT:**

- a. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to approve the Revenues with

Comparison to Budget Report for the 2 months ending 2/28/2013. **Motion carried.**

- b. **Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to approve Payment Approval Report for 2/19/2013 - 3/14/2013 and 3/15/2013 – 3/18/2013. **Motion carried.**

12. **PUBLIC COMMENT:**

Amber Rambo commented that the Borough's trash cans do not have lids (in the park) and also spoke about the pre-sale inspection issue and the problems associated with Borough inspections not being done. She was concerned about safety for all residents.

Oswald Herbert asked if the trash collectors could be asked to place the lid in or on the can and Mr. Sichler said he would check with Eagle Disposal. Mr. Herbert also commented about the pre-sale inspection situation.

James T. Rogers asked if there are still County funds available to work on the Parkview Road Bridge and it was noted that there are funds, however it may not be enough to repair the bridge to PennDOT standards.

Tina Shenk asked about the upcoming election and she was referred to the County's website.

Grace Craze spoke about the pre-sale inspections and said that it is difficult to require changes when they impact the original design and construction of an older home. Mr. Conrad commented that there is no simple way to address these situations given the age of the homes in West Reading.

James T. Rogers had questions about the recent Civil Service hearing and Mr. Conrad said that the Civil Service Commission is a separate entity and he would have to address his questions to them.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:21 p.m. to discuss personnel. When the meeting reconvened at 9:34 p.m., it was **moved** by Mr. Gallen and seconded by Mrs. Heckler to approve the proposed 2013 Recreation seasonal staff. **Motion carried.** (Mrs. Kulesa left at the end of Executive Session and was not present for this motion.)

14. **RECESS:**

Mr. Conrad announced that the meeting would be recessed until Monday, April 1st at 7:00 p.m. **Moved** by Mr. Wert and seconded by Ms. Hutcheson to recess the meeting. **Motion carried.**

15. **RECONVENE:**

The meeting was reconvened on Monday, April 1st with the following persons present:
Mr. Conrad, Mrs. Kulesa, Mr. Gallen, Ms. Hutcheson, Ms. Good, Mrs. Heckler, Mr. Wert, Mayor Keller, Mr. Sichler, Mr. Becker, Chief Burkholder.

Visitors were: Ruth Cardell, James T. Rogers, Edward Fabriziani, Audrey Schaeffer, Gregory Braley, Carl Garman and Suzanne Thompson.

Pre-sale Inspections - Mr. Conrad explained that the meeting was being reconvened as the result of the tie vote on the motion to stop the pre-sale inspections for the Borough. Mr. Becker explained that before the Mayor makes his decision to break the tie vote, it must be brought back to Council for reconsideration.

Ms. Good asked for a recap of the discussions that were held on March 19th as she was not in attendance for that meeting. Mr. Conrad explained what had transpired with the sub-committee (as noted earlier in these minutes) and that the consensus was to cease performing the pre-sale inspections. It was noted that at one of the committee meetings Kraft Codes had made a presentation offering their services to the Borough.

Moved by Mr. Gallen and seconded by Ms. Hutcheson to end the pre-sale inspections.

In favor of the motion – Ms. Hutcheson, Mr. Gallen, Ms. Good, Mr. Conrad

Against the motion – Mrs. Kulesa, Mrs. Heckler, Mr. Wert

Motion carried.

Moved by Mrs. Heckler and seconded by Mr. Wert to have Mr. Sichler request proposals from outside firms for pre-sale inspections for the Borough.

Much discussion ensued and it was noted that once the proposals are received, Council would have to consider the pricing and proposals at the April Council meeting. Until then, these inspections are suspended. Once the firm is selected Council will have to work with them to determine what will be enforced. In doing this it will relieve some of the liability from the Borough and will be a cost saving measure because the home owner will be required to pay for the inspection which will lessen the work load for the Codes Department and potentially eliminate the necessity of hiring more code enforcement personnel.

Motion carried.

Trash Can Lids – Mayor Keller said that he was not in favor of suspending the enforcement of trash can lids, therefore it is up to Council whether the ordinance is amended or not. Ms. Good asked for an update on this issue and Mrs. Levering explained the situation, as noted earlier in the minutes.

There was much discussion concerning the skunk problem in the Borough and ways in which residents can secure their lids so that they don't disappear. It was then decided that Council did not wish to amend the ordinance and recommended that pressure be placed on the trash hauler to be more vigilant in getting the lids back inside/on the trash cans.

16. **EXECUTIVE SESSION:**

Council recessed to Executive Session to discuss personnel and when the meeting reconvened at 7:53 p.m. the following actions were taken:

Moved by Ms. Good and seconded by Mr. Gallen to approve the settlement agreement between Borough Council and Edward Fabriziani rescinding his termination as Chief of Police, accepting his resignation as Chief of Police, and returning him to duty as a patrol officer until January 15, 2015. This agreement includes no payment of any back pay or benefits. It also includes no payment of any of his attorney's fees.

In favor of the motion – Ms. Hutcheson, Mr. Gallen, Ms. Good, Mr. Conrad, Mr. Wert

Against the motion – Mrs. Kulesa, Mrs. Heckler

Motion carried 5-2.

Moved by Mr. Gallen and seconded by Ms. Good to hire the Pennsylvania Police Chiefs' Association at a fee of not to exceed \$5000 to proceed in the process of search and interviews of qualified candidates to fill the position of Chief of Police for the Borough of West Reading. **Motion carried.**

17. **PUBLIC COMMENT:**

Carl Garman asked why the Borough is not looking for a Chief from the Borough's own department and Mr. Conrad explained that all qualified candidates will be considered including anyone from the Borough's department. He added that the PA Police Chiefs' Association will establish the search criteria, interview the candidates and bring a recommendation to Council. They will also participate with Council in the final interview process. Mr. Garman said he would prefer to have someone who knows our Borough as Chief.

James T. Rogers had questions concerning the decisions Council made with regard to Edward Fabriziani which Mr. Becker answered.

18. **ADJOURNMENT:**

Moved by Mr. Gallen and seconded by Mrs. Heckler to adjourn the meeting. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant