

Borough of West Reading
Borough Council
September 17, 2013 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, September 17, 2013 with the following persons present: Council President Kevin M. Conrad; Council Members, Deborah Hutcheson, Amy B. Good, Nathalie R. Kulesa, Philip C. Wert; Mayor Shane J. Keller; Borough Manager Richard J. Sichler; Borough Solicitor Daniel P. Becker; Fire Chief Mark D. Burkholder; Detective Joseph Brown; Public Works Director Dean E. Murray; Chief Code Enforcement Officer Tracey L. Levering; Administrative Assistant Cathy L. Hoffman. Vice President James J. Gallen, Jr., Council member Elizabeth L. Heckler, and Elm Street Manager Dean L. Rohrbach were unable to attend.

VISITORS:	Ruth Cardell	Temple
	Carl Garman	Resident
	Amber Rambo	Resident
	Peter Gustis	Resident
	Jennifer Coles	Resident
	Audrey Schaeffer	Resident
	Oswald Herbert	Resident
	Nancy Campbell	Property Owner
	Lisa & Craig Priebe	Business Owner
	Valentin Rodriguez, Jr.	Resident
	Tina Shenk	Property Owner
	Kathy Frymoyer	Resident
	Christian Doyle	Resident
	Becca Gregg	Reading Eagle

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:**

Nancy Campbell spoke about the problems she has had getting approval for a sign for her tenant. Mr. Conrad said this would be dealt with during the Planning Commission report.

Craig Priebe also spoke about the sign issue and quoted Section 505 (f) which conflicts with other sign regulations in the Ordinance.

Kathy Frymoyer thanked Council for opening up the pool on the last day to allow dogs to swim. She hoped that it would become an annual event.

Valentin Rodriguez, Jr. spoke about being a former business owner on Penn Avenue, and asked Council to reconsider the sign regulations in the Ordinance.

Amber Rambo said that there is currently no forum where candidates of the upcoming election can introduce themselves and asked if it could be done at the next Council meeting. Mr. Conrad said that a "Meet the Candidates" night should be done at the Fire Company for example, rather than involve Council. He suggested that the candidates present get together to determine the details.

3. **APPROVAL OF COUNCIL MINUTES:**

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the minutes of August 20, 2013.
Motion carried.

4. **UNFINISHED BUSINESS:**

Resignations – **Moved** by Mr. Wert and seconded by Ms. Hutcheson to accept the resignation of Jim Keller from the Environmental Advisory Council. **Motion carried.**

Moved by Ms. Hutcheson and seconded by Mr. Wert to accept the resignation of Samuel Heim from the Zoning Hearing Board. **Motion carried.**

Appointments – Moved by Ms. Hutcheson and seconded by Mr. Wert to appoint Meridyth Cutler to the Environmental Advisory Council. **Motion carried.**

Moved by Mr. Wert and seconded by Ms. Hutcheson to appoint Jason Ulrich to the Zoning Hearing Board. **Motion carried.**

Vacancies – Mr. Conrad noted that there are still 3 vacancies on Recreation, 1 on Shade Tree and 1 on the Vacancy Board.

Hires – This will be discussed as part of Executive Session.

Waste Disposal Contract – Mr. Sichler stated that there is really nothing new to report that would make the decision more clear cut, and Mr. Becker noted that there will be a ‘town hall’ meeting with regard to transportation issues for the entire state concerning roads, bridges, etc. Discussion concerning the contract will be tabled until next month.

5. **CONSULTANTS’ REPORTS:**

- a. Solicitor’s Report – Mr. Becker reported that his office had been in touch with Scott Landis, the attorney for Fulton Bank, who stated that he has nothing new to report concerning the Belovich Townhouse Development. Mr. Wert said that he was more interested in finding out what they are actively doing to market the property.

Moved by Mrs. Kulesa seconded by Mr. Wert to approve the Solicitor’s Report. **Motion carried.**

- b. Engineer’s Report – There were no action items in the Engineer’s Report.

Moved by Mr. Wert seconded by Ms. Hutcheson to approve the Engineer’s Report. **Motion carried.**

6. **BOROUGH MANAGER’S REPORT:**

- a. 2012 & 2013 Police Officers’ Contributions to Pension Plan – Mr. Sichler explained that an audit of the pension plan had just been completed and the required resolutions for 2012 and 2013 had not been enacted. The resolutions state that in 2012 the Police officers are contributing 3% and in 2013, 4% which is lower than the prescribed amounts, therefore a resolution is required.

Moved by Mrs. Kulesa and seconded by Ms. Hutcheson to approve Resolution 2013 – 5, “A Resolution Reducing Police Officers’ Contributions to the Police Pension Plan for the year 2012”. **Motion carried.**

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve Resolution 2013 – 6, “A Resolution Reducing Police Officers’ Contributions to the Police Pension Plan for the year 2013”. **Motion carried.**

- b. Vehicle Sale – Mr. Sichler said that the high bid for the 2003 Durango had been in the amount of \$3101 from Karen Nicholson of Taneytown, MD. Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to sell the vehicle for \$3101. **Motion carried.**

- c. Act 101 Recycling Program Performance Grant – Mr. Sichler announced that notification had just been received regarding the 2011 Recycling Performance Grant in the amount of \$14,531.

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

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

Mayor Keller reported that the minutes from the July 18th meeting were in the packet but there was nothing specifically to note. Ms. Hutcheson did remind everyone that the Fall Festival would be held on September 21st on Penn Avenue.

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

8. **DEPARTMENT REPORTS:**

- a. Code Enforcement –Mrs. Levering referred to her written report however there were no questions. She also advised that an application had been received for the Zoning Hearing Board, but a date has not been scheduled as yet.

Moved by Mr. Wert and seconded by Ms. Hutcheson to approve the Code Enforcement report. **Motion carried.**

- b. Police Department – Criminal Investigator Joseph Brown was in attendance to give the Police Department Report. Mr. Wert asked about the large group of youths on bicycles roaming through the Borough and C.I. Brown said he had not received any reports of this nature, however that there have been a rash of thefts from vehicles.

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

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

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Public Works Report. **Motion carried.**

- d.. Fire Department – There were no questions for the Fire Chief.

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Fire Department Report. **Motion carried.**

- e. Elm Street – Mr. Rohrbach was not in attendance, and there were no questions concerning his written report.

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

9. **COMMITTEE/COMMISSION REPORTS:**

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

- The first ever "Dog Days of Summer" was a success however a couple of complaints were received from those not wishing to swim with dogs.
- Several umbrellas and two chairs (for the lifeguards) need to be replaced at the pool. It has been recommended to move funds from one line item to another to accomplish this while the items are on sale. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to purchase 2 chairs and 8 umbrellas using funds under the Recreation Coordinator (line item 90-452-184) and transferring it to 90-452-374.

- The Mother Son Dance will be held on Friday, November 1st
- The Hayride will be October 18th and 19th.
- The Tree Lighting will be held on Friday, November 29th.

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

- b. Planning Commission – Mr. Wert referred to the minutes of September 4th which dealt with a liquor license transfer and sign issues.

With regard to the liquor license, it was the consensus of the Commission that the license be transferred therefore a hearing must be scheduled. Mr. Becker noted that once the completed application and fee has been received, a hearing must be scheduled within 45 days. It was recommended that the meeting could be done 30 minutes prior to the next Council meeting, therefore it was **Moved** by Mr. Wert and seconded by Ms. Hutcheson to advertise the meeting as October 15th at 6:30 p.m. which will be the Public Hearing for the transfer of the liquor license for the property at 719 Penn Avenue. **Motion carried.**

As for the issue pertaining to signs, the Commission has requested Council's direction with the possibility of amending the sign section of the Zoning Ordinance to accommodate the issues that have been brought forward as well as other issues that have been identified. **Moved** by Mr. Conrad and seconded by Ms. Hutcheson to direct the Planning Commission to move forward with the review of the sign portion of the Zoning. **Motion carried.** Mr. Conrad then explained the process that must be followed before the amendments are approved.

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

- c. Environmental Advisory Council – There were no questions concerning the minutes of the August 26th meeting. **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 August 27th minutes.

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

10. **TREASURER'S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Revenues with Comparison to Budget Report for the 8 months ending 8/31/2013. **Motion carried.**
- b. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve Payment Approval Report for 8/21/2013 - 9/12/2013 and 9/13/2013 – 9/17/2013. **Motion carried.**

11. **PUBLIC COMMENT:**

Lisa Priebe said that she was the owner of the business with the sign issue and asked about the denial. Mr. Becker provided an explanation concerning the process and noted that Council has authorized the Commission to have a look at the sign portion of the Zoning Ordinance and to bring recommendations back for Council's consideration. He also explained about the Zoning Hearing Board's role in the appeal process.

After much discussion, it was noted that Ms. Priebe has been offered a temporary sign, and recommended that she attend the Planning Commission meeting on October 2nd.

Tina Shenk commented about the empty retail spaces on the Avenue and asked about business owners attending the Planning Commission meeting. She also commented about issues with vagrants on Penn Avenue.

Craig Priebe asked about whom to contact for the interpretation of 505 (f) and Mr. Becker explained that he will not be involved unless asked by the Planning Commission and that the Priebees should be working with the Zoning Officer concerning a temporary sign. There was further discussion about the role of the Zoning Officer, the Zoning Hearing Board and the cost involved.

Nancy Campbell asked more questions concerning the sign ordinance and existing signs that contravene the ordinance. Mr. Becker again explained that if the Planning Commission amends the ordinance, her problem concerning signage will be resolved at no cost to her. The only other option is to go to the Zoning Hearing Board.

Tina Shenk asked if Council could override the ordinance and Mr. Becker explained that even if they are in agreement that the sign regulation needs to be changed, the proper procedures must be followed.

More discussion ensued about the interpretation of "façade" and Ms. Good explained that Mrs. Levering has little latitude concerning her interpretation of the Zoning Ordinance and that she must follow the regulations as written.

Jennifer Coles introduced herself as a resident who has applied for the Recreation Coordinator position.

12. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:07 p.m. to discuss personnel, contract negotiations and potential litigation. When the meeting reconvened at 9:24 p.m., the following actions were taken:

- **Moved** by Mrs. Kulesa and seconded by Ms. Hutcheson to hire Helen Moyer as the Recreation Coordinator contingent upon completing all background checks, at a rate of \$14.00 per hour. **Motion carried.**
- **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to hire Sharon Morgan on an 'as needed' basis to assist with the 2014 budget at a rate of \$25.00 per hour. **Motion carried.**
- **Moved** by Ms. Hutcheson and seconded by Mr. Wert to appoint SDE as the Borough Engineer. **Motion carried.** (Mr. Conrad abstained because his firm was part of the interview process for the Borough Engineer.)
- **Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to hire attorney Joseph Rudolph as the partial arbitrator in connection with the Act 111 Collective Bargaining Contract negotiations and arbitration. **Motion carried.**

Mr. Conrad read a prepared statement detailing the process that Borough Council has been part of over the last few months as part of the search to find a Police Chief. He also stated that as a result of that search, Stephen D. Powell has emerged as the best choice for the Borough of West Reading. "As evidenced by his extensive experience and exceptional qualifications, Borough Council is confident that Stephen Powell will be an outstanding Chief for the West Reading Police Department."

Moved by Ms. Hutcheson and seconded by Mrs. Kulesa to hire Stephen D. Powell as the new Police Chief for the Borough of West Reading. **Motion carried.**

“With the hiring of Chief Powell Borough Council believes that the Borough has emerged from a very difficult and stressful time of discord within the Police Department and with the leadership and command of Chief Powell, Borough Council is optimistic that all of the police officers within the department will pull together to support their new Chief so that the West Reading Police Department will once again hold a respected position of leadership among the residents of the Borough and with all law enforcement agencies throughout Berks County.”

13. **ADJOURNMENT:**

Moved by Mr. Wert and seconded by Mrs. Kulesa to adjourn the meeting at 9:29 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman
Administrative Assistant