

## **BOROUGH OF WEST READING – BOROUGH COUNCIL**

**December 17, 2013 – 7:00 p.m.**

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, December 17, 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, Amy B. Good, Philip C. Wert; Mayor Shane J. Keller; Borough Manager Richard J. Sichler; Police Chief Stephen Powell; 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; Recreation Coordinator Helen Moyer; Administrative Assistant Cathy L. Hoffman; Borough Engineer Tom Unger.

<b><u>VISITORS:</u></b>	Valentin Rodriguez, Jr.	Resident
	James T. Rogers	Resident
	Karen & Jim Livingood	Residents
	Carl Garman	Resident
	Grace Craze	Resident
	Audrey Schaeffer	Resident
	Oswald Herbert	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. **PRESENTATION – WESTERN BERKS WATER AUTHORITY:**

Mike Hart, one of West Reading's representatives on the Western Berks Water Authority Board, was on hand to explain to Council why he wished to be reappointed to the Board, in light of the motion that was passed at the November meeting. He said he has lived in the Borough for over 41 years, worked for the Borough for almost 30 years, has been on the Western Berks Water Authority Board for 13 years and has a good knowledge of the Borough's water distribution system. Board member Bill Murray also explained why it is important that Mr. Hart remains a member of the Board, and the importance of the Board to all three Boroughs.

Communication was discussed and Chip Bilger, Executive Director for the Authority said that this is something that can be improved. Mayor Keller, Mr. Conrad and Mr. Becker all commented that they had had very positive interactions with the Authority.

The legality of Council's appointment at the November meeting was discussed and it was noted that although Council did have the authority to do so, it could be overturned by the new Council in 2014 because of the 'lame duck' circumstance. The appointment will be placed on the agenda for the January 6<sup>th</sup> Reorganization meeting.

3. **PUBLIC COMMENT:**

Oswald Herbert commended the road crew for their excellent work during the recent snow storm.

James T. Rogers stated that as of March 4<sup>th</sup>, the expenses incurred by the Police Department for legal issues was at about \$120,000 and asked what that number now stands at. Mr. Conrad said that they did not readily have that figure but that Mr. Sichler would obtain it for him. (Mr. Rogers had previously submitted an Open Records request for this information.)

4. **APPROVAL OF COUNCIL MINUTES:**

**Moved** by Mr. Gallen and seconded by Mrs. Heckler to approve the Budget Workshop minutes of November 16, 2013. **Motion carried.**

**Moved** by Ms. Hutcheson and seconded by Mrs. Kulesa to approve the Conditional Use Hearing minutes of November 19, 2013, as amended. (Mayor Keller was not in attendance, as was stated in the minutes.) **Motion carried.**

**Moved** by Ms. Hutcheson and seconded by Mrs. Heckler to approve the Council meeting minutes of November 19<sup>th</sup> and 23<sup>rd</sup>, 2013. **Motion carried.**

5. **UNFINISHED BUSINESS:**

Rental Inspections – It was the recommendation of Mayor Keller and Mrs. Levering to change the rental inspections from once per year to once every two years, due to the lack of manpower to complete the inspections and paperwork. Mrs. Heckler and Mrs. Kulesa both said that they are concerned that by changing the inspection dates, rental properties will become more dilapidated and deficiencies won't be repaired. Ms. Good also noted that in many rental properties with absentee landlords, repairs are made only when they know that the Borough is coming to do an inspection. It was decided that this discussion should be tabled and a decision made by the new Council.

2014 Budget – Mr. Sichler explained that since the last meeting, the budget has been advertised however there are some minor changes which impact the Elm Street program, based on new information with accurate numbers from DCED. The line items effected are:

Revenue	01-351-040	DCED #52530 Center Point
Expense	01-462-543	W.R. Elm Street (Façade, Audit, Implementation)
	01-4623-313	W.R. Keystone Communities
	01-462-540	W.R. Elm Street Project (roads and streets)

As a result of these changes, the 2014 budget surplus will increase by \$48,534. The advertised surplus was calculated originally at \$256,151 however it will now be \$304,685.

**Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve the 2014 budget with these minor modifications.

Voting in favor of the motion: Ms. Hutcheson, Ms. Good, Mr. Wert, Mr. Conrad

Voting against the motion: Mrs. Kulesa, Mrs. Heckler, Mr. Gallen

**Motion carried 4-3.**

**Moved** by Mr. Wert and seconded by Ms. Hutcheson to advertise the tax ordinance for 2014 with no tax increase. (5.5 mils for General Purposes and 1.6 mils for Fire Protection) **Motion carried.**

6. **CONSULTANTS' REPORTS:**

a. Solicitor's Report – Mr. Becker provided the following information:

- The Belovich property foreclosure is ongoing – there have been some glitches which they continue to work on.
- The Conditional Use Decision (215 S. 5<sup>th</sup> Avenue) is ready to be signed.
- The Civil Service Commission is required to reorganize on January 6<sup>th</sup> per the new Borough Code. This creates a dilemma because of a reappointment that is required from Council. It was suggested that it might be prudent to make a 'lame duck' appointment in light of this new situation. Mr. Sichler noted that Jim Livingood's term

will end on December 31<sup>st</sup> however no one has expressed an interest in being a member of the Commission. **Moved** by Mrs. Heckler and seconded by Ms. Good to reappoint Jim Livingood to the Civil Service Commission. **Motion carried.**

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

- b. Engineer's Report – Tom Unger (SDE) was on hand to provide the report and noted that they are slowing working into some projects with the Borough. There were no questions.

**Moved** by Mr. Gallen and seconded by Ms. Good to approve the Engineer's Report. **Motion carried.**

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

- a. Greater Berks Development Fund / DCED Keystone Communities Enterprise Zone – Mr. Sichler reported that GBDF are an organization interested in setting up a Keystone Communities Enterprise Zone in several communities throughout Berks County and in order to finalize their application to DCED, the Borough's commitment is required. In joining this effort, funds may become available for redevelopment of properties in West Reading such as the Narrow Fabric building or the VF property. GBDF will be funding the application and providing the full time Manager that is required.

Mr. Wert explained that typically the 'enterprise zone' concentrates on industrial and manufacturing properties however it would be in the Borough's best interest to have commercial included in it as well. It was noted that given the number of municipalities involved and the available properties, the chances of receiving funding are actually small. Mr. Wert also noted that this was discussed with the Planning Commission and it was their recommendation to participate. He also noted that this is just another branch of DCED, similar to our 'Elm Street' project and 'Main Street' and that there are no strings attached. The Borough's backing will simply increase the application's standing.

Mr. Rohrbach said that a very important part of the application is to define the target area which is why they need to know if the Borough wants to be involved. If we say no at this point, it would be very difficult to become part of it in future. He noted that even if a project were approved and funds allocated, we would not have to spend it and therefore owe them nothing.

Mr. Conrad said that in approving the resolution, the Borough is not being bound to provide any funding.

Mr. Rodriguez added that there is a Keystone opportunity zone adjacent to West Reading, across the Buttonwood Bridge and it would make a lot of sense to have it extended into the Borough because the Buttonwood Street area is a good area for economic development. He noted that Paul Janssen with the Albright Center for Excellence in Local Government is doing a study that will outline those areas for the Borough and if we already approved for that zone, it would be a benefit to the Borough.

**Moved** by Ms. Good and seconded by Mrs. Kulesa to approve the Resolution of Support however including a phrase stating that it is being done providing there is no cost to the Borough without prior approval. **Motion carried.**

- b. Fifth Avenue Sidewalk Project – Final Payment Approval – Mr. Sichler said he has received the application for final payment for the Fifth Avenue project and that after checking the site, everything appears to be in order. There was a question about the curb stops having been checked therefore the approval was tabled until the next meeting.

As a final note, Mr. Sichler thanked Mr. Conrad, Ms. Good and Mayor Keller for working with him over the last three years.

**Moved** by Ms. Hutcheson and seconded by Mrs. Heckler 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 October 17<sup>th</sup> WRCRF meeting was in the packet and noted these additional items.

- A letter has been received from Diane Price, chair of the Armed Forces Day Parade thanking the Borough for supporting the 65<sup>th</sup> Berks County Parade and requesting support for the 2014 Parade which is being scheduled for Saturday, May 17, 2014. He noted that Ms. Price has said that if it were not for the support of the Borough, this Parade would not be able to be held every year and he encouraged the incoming Council members to consider that. Mr. Conrad noted the many veterans that were in the room and also urged the incoming Council to support the Parade.
- The Tree Lighting was held on November 29<sup>th</sup> and was very well attended. He commended Helen Moyer, the Police Department, Fire Police, Fire Department and the Recreation Commission for making it such a great event.

As a final note to the public, Mayor Keller said that it has been a privilege and honor to serve these last seven years. He thanked Council and wished the incoming Council the best of luck.

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

9. **DEPARTMENT REPORTS:**

- a. Code Enforcement – Mrs. Levering referred to her written report.

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

- b. Police Department – Chief Powell referred to his written report and also commented on the following:

- The previously reported Handicapped Parking application has been temporarily withdrawn until more information has been received from the applicant.
- The Civil Service Commission met on December 16<sup>th</sup> and is advising that some changes to the rules are being considered and will be brought forward in January. This includes the elimination of the physiological and medical testing for promotional candidates (not entry level candidates). A probationary period needs to be established for both entry level and supervisor candidates, the term of which will be established by the Commission.
- On December 12<sup>th</sup> Officers Ryan Phillips, Wayne Holben and Matt Nguyen were recognized by the Berks County FOP Lodge 71 and received citations for the events of July 15<sup>th</sup> where an individual was stopped and after subsequent investigation was taken to the County who were able to positively identify him as someone with 15 aliases who was wanted in several states. Also, a civilian award was presented to Ivan Perez, an employee of Candlewood

Suites for his efforts on July 12<sup>th</sup> in thwarting a robbery attempt, and subduing the assailant until Police arrived. It was discovered that robber was also involved in other recent robberies in the Borough and Reading. Chief Powell added that he would like to see something similar being done such as a citation from Council for acts such as these.

Mr. Wert commended Chief Powell on the new report format but said he was shocked by the frequency of crime in the Borough on Fridays. Chief Powell said he intends to have extra patrols out on Friday nights and do some work on certain areas.

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

- c. Public Works – Mr. Murray noted that his report had been distributed just prior to the meeting due to the busy week with snow removal.

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

- d.. Fire Department –Chief Burkholder referred to his written report and reminded everyone that the Kiddies Christmas Party will be held on the 21<sup>st</sup> from 2 to 4 p.m.

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

- e. Elm Street – Mr. Rohrbach referred to his written report as well as a resolution that will require Council's approval and a cooperation agreement between the Borough and the West Reading Community Revitalization Foundation. He also noted the following:

- A grant was received last year to install Christmas lights along the carriage route as part of the Holiday Glow Celebration.
- The PCN program about West Reading will be aired on Sunday, December 22<sup>nd</sup> at 7:00 p.m.
- The Elm Street Christmas Party will be held on Saturday, December 21<sup>st</sup> at Bethany Lutheran Church from 6:00 p.m. to 8:00 p.m.
- A \$250,000 grant application is being finalized to be submitted to DCED. The cooperation agreement states that the Borough is responsible for paying \$25,000 or 10% however the Wyomissing Foundation has pledged those funds therefore there is no cost to the Borough. The application is actually between the Borough and the State, and between the Borough and the West Reading Community Revitalization Foundation which is why he is asking the Borough to formalize it first. The deadline is January 11<sup>th</sup> in order to have access under the previous funding year and because DCED has funds remaining, the Borough has a better chance of obtaining it. There was some confusion concerning a duplication that may be a typographical error and there was discussion concerning the funding from the Wyomissing Foundation.

Mr. Rohrbach will forward the changes to Mr. Becker, then the Foundation will have to sign off on it before Council can approve it, which will be at the Reorganization meeting on January 6<sup>th</sup>, 2014. Mr. Rohrbach said that by the 6<sup>th</sup> he should have the commitment letter from the Wyomissing Foundation as well.

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

10. **COMMITTEE/COMMISSION REPORTS:**

- a. Recreation Commission – Helen Moyer referred to her minutes and indicated that she had received letters from residents interesting in being part of the Commission therefore she asked to have the three people appointed. Mr. Becker noted that this is another lame duck situation and recommended that it be left until the Reorganization meeting. Mrs. Moyer also reminded everyone about the Christmas pot luck luncheon which is being held on the 20<sup>th</sup> at noon.

**Moved** by Mrs. Kulesa and seconded by Mrs. Heckler to approve the Recreation Commission minutes. **Motion carried.**

- b. Planning Commission – Mr. Wert reported that the Planning Commission continues to work on the zoning changes.

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

- c. Traffic & Infrastructure Committee – There were no action items within the Traffic or Infrastructure minutes.

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

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

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

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

11. **TREASURER'S REPORT:**

- a. **Moved** by Ms. Hutcheson and seconded by Mr. Wert to approve the Revenues with Comparison to Budget Report for the 11 months ending 11/30/2013. **Motion carried.**

- b. **Moved** by Mr. Gallen and seconded by Ms. Hutcheson to approve Payment Approval Report for 11/20/2013 – 12/12/2013 and 12/13/2013 – 12/17/2013. **Motion carried.**

12. **PUBLIC COMMENT:**

James T. Rogers asked if a regular Council meeting will be held in January as well as the Reorganization meeting on the 6<sup>th</sup> and it was noted that at the meeting on the 6<sup>th</sup> the meeting schedule for the year will be established. He also asked about the Belovich development and Mr. Becker said that the remaining properties are going through foreclosure.

Valentin Rodriguez Jr. asked if the collective bargaining agreements also fall under the 'lame duck' circumstances and Mr. Becker said that it would depend on whether it is considered a governmental function or proprietary action. He said that he has not been involved with the collective bargaining so he was not sure where it currently stands but noted that the contract expires at the end of the year. Mr. Rodriguez then asked for an advisory opinion as to whether a decision made by a 'lame duck' body in this situation is binding on the next administration. Mr. Becker said he would have to research this further.

Mr. Conrad then closed the floor to Public Comment and then thanked the residents of the Borough for allowing him to serve during the past eight years. He said it was an honor and privilege to serve the community. He also thanked everyone on Council and commended the employees for the

excellent work that they do.

13. **EXECUTIVE SESSION:**

Council recessed to Executive Session at 8:58 p.m. to discuss personnel and contract negotiations. When the meeting reconvened at 9:21 p.m., the following actions were taken:

**Moved** by Mr. Gallen and seconded by Mrs. Heckler to approve the transfer of Mark Civitarese from the Parking Enforcement Officer position to the full-time Codes Department position at a salary of \$37,000. (effective the first pay period of 2014). **Motion carried.**

**Moved** by Ms. Good and seconded by Mrs. Kulesa to advertise for a full-time Parking Enforcement Officer. **Motion carried.**

14. **ADJOURNMENT:**

**Moved** by Mr. Gallen and seconded by Mrs. Heckler to adjourn the meeting at 9:23 p.m. **Motion carried.**

Respectfully submitted,

Cathy Hoffman  
Administrative Assistant