

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

April 26, 2022 – 7:00 p.m.

West Reading Borough Council held its second monthly meeting at Borough Hall on Tuesday, April 26, 2022 with the following persons present: Council President Ryan Lineaweaver; Council Vice President Philip Wert; Council Members Patrick Kaag, Denise Drobnick, and Zachary Shaver; Mayor Samantha Kaag; Solicitor Daniel Becker; Sergeant Chad Marks; Fire Chief Chad Moyer; Code Department Manager Cathy Hoffman; Fire Marshal Troy Hatt; Police Officer Nicholas Karetas (via Zoom); Borough Manager Dean Murray; and Borough Secretary Cynthia Madeira. Council Pro-Tem Christopher Lincoln and Council Member Jennifer Bressler were unable to attend.

VISITORS:

James Rogers, Resident	Karen Livingood, Resident (via Zoom)
Oswald Herbert, Resident	Suzanne Thompson, Resident
Maureen Hasty, Resident	Ivelisse Guerra, Resident
Paige West, Resident	William Moffett, PF Franklin Manor, LP

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 7:00 p.m., which was followed by the Pledge of Allegiance and Roll Call.
2. **EXECUTIVE SESSION:**
Mr. Lineaweaver noted an executive session that was held this evening at 6:00 p.m. to discuss personnel matters.
3. **AGENDA AMENDMENTS:**
Mr. Lineaweaver reported that there were no amendments to the agenda from executive session.
4. **PUBLIC COMMENT:**
Mr. Herbert referred to provisions in the ordinances that would allow rental occupancy licenses to be revoked or denied based on outstanding fees or fines, including the Business Privilege Taxes and urged Council to use this leverage to bring the property into compliance prior to lifting the condemnation from the Franklin Manor property.

Mr. Rogers referred to information he obtained through right-to-know requests on citations that were issued against Franklin Manor over the years noting that maintenance of this property has been lax. Business Privilege Licenses and Taxes have not been paid in over twenty years, which includes the previous owner. He also found through right-to-know requests that permits had not been issued for the installation of a sewer line, generator, and hot water heaters, and inspections of these improvements had not been completed.

Ms. Guerra spoke of the recently approved and installed handicap parking space near her home and the second-floor tenant, whom has exclusive use of the driveway to this two-unit dwelling, monopolizing this newly created handicap parking space. She stated that she previously resided in the City of Reading and the City's regulations prohibit the application or use of a handicap parking space if off-street parking is available to that individual. Ms. Guerra was requested to attend the next Traffic and Infrastructure Committee meeting for further discussion.

Ms. Thompson expressed her disappointment that Council is considering to lift the condemnation of Franklin Manor so soon noting that the owners had not paid outstanding fees

to the Borough from 2019 through 2021 and absconded an estimated \$34,000 in security deposits from the tenants that were forced out of their homes in February of 2021 during a pandemic. Ms. Thompson shared information obtained through right-to-know requests of inspection reports and citations that were issued indicating repeated failures to make repairs and to cooperate with inspectors to correct severe fire and life safety violations such as the sewer system, electrical items, sink hole, as well as foundation and window repairs. It was recommended to watch these owners and to not allow any leniency.

Mr. Rogers spoke of a recent right-to-know request to obtain a status update on Franklin Manor utility bill payments and any additional legal fees incurred by the Borough. He shared his confusion as to why a thirty-day extension was invoked for a legal review when in the past information requests such as these had been granted without a legal review.

5. **COMMUNITY GARDEN PLACEMENT:**

Mr. Lineaweaver noted discussions and a recommendation made by the Environmental Advisory Council to move the Community Garden from the current location at South Second Avenue and Yarnell Street to a green space area located near 201 Playground Drive. Mayor Kaag indicated that a meeting with Met-Ed is being scheduled to determine setback requirements for the placement of raised garden beds. The proposed move would allow the garden to be located on Borough owned land and would remove the need to lease space from a private property owner. The current lease agreement is set to expire in August of 2022. The move would take place later this year with a garden opening date in 2023. Mr. Wert recommended that a soil test be performed by the University of Massachusetts to ensure that a site-specific chemical residue is not present.

Motion to approve the placement of a community garden near 201 Playground Drive contingent upon a clean soil test and utility clearance approvals. **Moved** by Mr. Wert and seconded by Mr. Shaver. **Motion carried 5-0.**

Solicitor Daniel Becker arrived at 7:27 p.m.

6. **ENVIRONMENTAL ADVISORY COUNCIL APPOINTMENT:**

Mr. Lineaweaver noted receipt of a letter of interest from Paige West to become a member of the Environmental Advisory Council. Ms. West reported that she recently moved to the Borough and has been attending most board/committee meetings as a student intern. She has enjoyed attending the community clean up events and is interested in the community garden.

Motion to appoint Paige West to the Environmental Advisory Council. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 5-0.**

7. **SHADE TREE COMMISSION RESIGNATION:**

Mr. Lineaweaver noted receipt of a letter of resignation from Yahaira Castillo from the Shade Tree Commission. Mr. Kaag indicated that the resignation was precipitated by Ms. Castillo's employment time constraints.

Motion to accept the letter of resignation from Yahaira Castillo from the Shade Tree Commission. **Moved** by Mr. Wert and seconded by Ms. Drobnick. **Motion carried 5-0.**

8. **CABLE FRANCHISE RENEWAL HEARING:**

Motion to recess to a Cable Franchise Hearing at 7:30 p.m. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 5-0.**

Mr. Becker reported that every ten years a cable franchise agreement must be renewed. The Borough has retained Cohen Law Group to negotiate the contract with Comcast to allow Comcast to provide cable service to the Borough. Mr. Becker indicated that the agreement details the responsibilities of both parties and this hearing gives the public an opportunity to comment or ask questions about their cable service. For the purpose of the public hearing, Mr. Becker reviewed the list of exhibits:

1. Public hearing notice posted at Borough Hall and published in the Reading Eagle.
2. Proof of publication of the hearing notice and potential enactment of an ordinance amendment in the Reading Eagle on March 28, 2022 and April 5, 2022.
3. Affidavit of posting verifying posting of the public hearing notice at Borough Hall.
4. Cable Franchise Agreement created with the assistance of Cohen Law Group.
5. Executive Summary of Cable Franchise Agreement. Mr. Becker highlighted aspects of the agreement that allows the Borough to retain the 5% fee, the new term would be for a ten-year period, and otherwise the agreement remains the same.
6. Proposed ordinance approving Comcast Cable Franchise Agreement. This amendment would be considered during the Council meeting.

PUBLIC HEARING COMMENTS: There were no questions or comments.

Motion to close the Cable Franchise Renewal Hearing and to reconvene the Borough Council meeting at 7:33 p.m. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 5-0.**

9. **ORDINANCE 1151 CABLE FRANCHISE AGREEMENT:**

Motion to authorize the execution of a cable franchise agreement between the Borough of West Reading and Comcast of New Mexico/Pennsylvania, LLC. **Moved** by Mr. Wert and seconded by Ms. Drobnick. **Motion carried 5-0.**

10. **PUBLIC WORKS CREW MEMBER:**

Mr. Murray requested the approval to hire a Public Works Maintenance Worker I / Concrete staff member contingent upon satisfactory physical and drug test results. This individual without a Commercial Driver's License (CDL) would begin at 70% of the base rate of pay and be allowed one-year to obtain his CDL.

Motion to approve the hiring of a Public Works Maintenance Worker I / Concrete staff member. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 5-0.**

11. **PSAB VOTING DELEGATE:**

Mr. Murray requested the appointment of a delegate and an alternate delegate to vote on proposed resolutions and policies during the annual Pennsylvania State Association of Boroughs (PSAB) conference.

Motion to appoint Mr. Lineaweaver as a Voting Delegate and Mr. Kaag as an Alternate Delegate of the PSAB. **Moved** by Mr. Wert and seconded by Ms. Drobnick. **Motion carried 5-0.**

12. RECREATION 2022 SEASONAL HIRES:

Ms. Drobnick requested consideration to hire the following 2022 Seasonal Staff:

- Front Desk Shane Rosenberry at \$9.00 per hour
- Lifeguard Sarah Althouse at \$9.50 per hour
- Lifeguard Cameron Burr at \$9.50 per hour
- Playground Leader Alexia Ortega at \$9.00 per hour
- Playground Leader Emilie Bohn at \$9.00 per hour
- Playground Leader Isabella Hahn at \$9.00 per hour
- Playground Leader Jarelyn Martinez at \$9.00 per hour
- Playground Leader Myozhane Steele at \$9.00 per hour

Motion to approve the list of 2022 Recreation Summer Seasonal staff as presented. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 5-0.**

13. NOISE NUISANCE:

Mr. Wert recapped previous discussions and the mailing of a joint letter to the City of Reading from the Boroughs of West Reading and Wyomissing regarding long-term noise disturbances and the appearance that no action has been taken by the City of Reading. The quality of life of West Reading Borough residents is being directly impacted by these nuisances and feedback was requested on how to proceed from here. Mr. Becker noted three potential options on how to proceed:

- Mayor communication. Mayor Kaag indicated that she has attempted to converse with Mayor Moran on this matter but Mayor Moran has not provided the courtesy of a return call.
- Attend City Council meeting. It was noted that the City of Reading has strict public comment regulations therefore, it was unclear as to whether Borough Council members would be allowed to speak. It was noted that the press would be present at the meeting.
- Mandamus action. Legal action would be taken against the municipal entity to force them to take action on enforcing their own ordinances. It was noted that noise by nature elicits a degree of discretion.

It was decided that the first approach would be a meeting between the City of Reading Chief of Police and Mayor Moran and West Reading Police Department and Mayor Kaag.

14. FRANKLIN MANOR CONDEMNATION:

Fire Marshal Troy Hatt recapped recent inspections of Franklin Manor and the remaining violation of a functioning carbon monoxide exhaust system for the garage. Mr. Hatt indicated that carbon monoxide detectors have a life span of ten-years and requested that an alarm company certify the exhaust system as is common practice. This certification would protect the liability of the Borough, Fire Marshal and owner of the property.

The current outstanding fees pertain to safety inspections, false alarm fees, and water and sewer services totaling roughly \$2,400. Outstanding Business Privilege Licensing and Taxes are still unknown.

Mr. Moffett introduced himself as an employee of PF Holdings that owns Franklin Manor and indicated that he was unaware of the outstanding fees and offered to settle up on these fees today. He reported that the alarm company indicated the issue with the carbon monoxide system is an HVAC problem. The system activates a blower when CO2 is detected to ventilate the garage. In Mr. Kaag's professional career he reported that an alarm company certifies the blower system that is tied to an HVAC system for liability purposes. Mr. Moffett agreed to hire an alarm company to certify the system.

Ms. Drobnick inquired as to refunding previous tenant security deposits, Mr. Moffett indicated that he does not handle this aspect for PF Holdings. Mr. Wert thanked Mr. Moffett for attending tonight's meeting and hopes that he can understand Borough Council's hesitancy as community leaders to lift the condemnation that forced them to make a decision to put residents out on the street. It's important to move forward and respect one another and to avoid these types of difficulties. Mr. Wert requested an indication as to how the management of this building will change to avoid the recurrence of a similar situation in the future. Mr. Moffett reported that he had not been involved with this building until April of 2021 and that he has worked to correct all of the violations over the past year. He understands Borough Council's concern after reviewing the timeline and inspection reports. A new property manager has been hired that is an HVAC technician living across the street from the building. Mr. Moffett indicated that he lives two hours away but plans to visit the property on a monthly basis. Mr. Wert agreed that the Borough should take some responsibility for not following up on collecting Business Privilege Taxes and felt that if an alarm company could certify the carbon monoxide system to the parking garage and regular visits to the property are being made by management to ensure safe housing is being provided, he could take Mr. Moffett by his word to get back to running a business.

Mr. Lineaweaver inquired as to his relation to the owner of the property. Mr. Moffett indicated that he is Vice President and handles mainly their construction projects. He is currently working on projects in New Jersey, Mississippi and West Reading. He began working for PF Holdings in 2015 and had visited the West Reading property in 2016 but had no further dealings with this property from 2017 to 2021. Management of the company has not changed during his tenor only managing agents.

Mr. Hatt recommended that unannounced and announced inspections be performed and with Council's blessing perform additional rental inspections to ensure the building continues to be safe and that the tenants have everything they need and everything is in working order. Mr. Kaag asked if Mr. Hatt has experienced matters of increased inspections in other municipalities. Mr. Hatt reported that unfortunately this does happen and recommended keeping the lines of communication open with frequent visits to avoid a rapid degradation in housing conditions.

It was agreed that all aspects should be addressed prior to lifting the condemnation. Mr. Moffett expressed his frustration in new items being added. A list of contacts was requested from the owners of the property to the property manager that lives across the street and that the Business Privilege Taxes be filed. There was no further action taken, consideration to lift the condemnation was tabled until next month.

15. **PUBLIC COMMENT:**

Mr. Rogers spoke of the Franklin Manor twenty-one space parking facility and the overflow onto the Chestnut and Obold Street parking lot until the school district acquired the parking lot. In regards to pedestrian safety in the traffic circle Mr. Rogers recommended placement of pedestrian crossing signs. Mr. Lineaweaver indicated that Mr. Lincoln, Mr. Murray, and the Borough Engineer plan to review the traffic circle later this week for short-term pedestrian safety improvements. Chief Moyer indicated that fire apparatus access to the Berkshire Village apartment complex is made difficult when free standing signs are placed in the traffic circle.

16. **ADJOURNMENT:** Motion to adjourn the meeting at 8:48 p.m. **Moved** by Mr. Kaag and seconded by Mr. Wert. **Motion carried 5-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary