

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

May 21, 2024 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, May 21, 2024 with the following persons present: Council President Ryan Lineaweaver; Council Vice President Philip Wert; Council Pro-Tem Patrick Kaag; Council Members Denise Drobnick, Zachary Shaver, and Bethany Bower; Solicitor Colin MacFarlane; Fire Chief and Code Department Manager Chad Moyer; Chief of Police Richard Torielli; Treasurer Jeanette Rentschler; Interim Borough Manager Richard Sichler; Public Works Director Kerry Grassley; Recreation Director Michael Esterly; Engineer Pamela Stevens; Junior Council Person Mark-Handy Phanor; Main Street Executive Director Nick Price; and Borough Secretary Cynthia Madeira. Mayor Samantha Kaag and Council Member Zanna Leiendecker were unable to attend.

VISITORS:

James Rogers, Resident

Karen Livingood, Resident

Lance Parmer, Fire Police (via Zoom)

Suzanne Thompson, Resident

Tina Shenk, Resident & Business Owner

Christopher Herr, Maillie, LLC (via Zoom)

Hedy Oldham, Resident

Keith Dmochowski, Reporter

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 7:01 p.m., which was followed by the Pledge of Allegiance and Roll Call.
2. **EXECUTIVE SESSION:** Mr. Lineaweaver reported that an executive session was held on Thursday, May 16, 2024 at 5:00 p.m. to interview Borough Manager candidates, and at 6:30 p.m. this evening to discuss personnel matters in relation to hiring a Borough Manager and potential litigation.
3. **COMMENDATION:** Mr. Lineaweaver presented Junior Council Person Mark-Handy Phanor with a Pennsylvania State Association of Boroughs (PSAB) Distinguished Junior Council Person Award at his last meeting with West Reading Borough Council. The PSAB and Borough Council are proud to acknowledge Mr. Phanor's dedication and encourages his continued growth as a local leader. Mr. Phanor expressed his gratitude to Borough Council for allowing him the opportunity to participate in local government administration, and shared that he will be pursuing an internship in Washington, D.C. this summer, thanks in part to his experience here as a Junior Council Person.

Mr. Lineaweaver stated that another Junior Council Person will be requested to join us in the fall.

4. **PRESENTATIONS:**

- a. **Maillie, LLC Audit Executive Summary** – Christopher Herr of Maillie Accountants & Advisors provided an executive summary of the 2023 DCED & Tax Collector Audits. The auditor's report expressed a qualified and adverse opinion on the financial statements of the borough. Qualification is due to there not being an accounting of capital assets. Accounting for cost and depreciation of all borough buildings, vehicles, equipment, infrastructure, roads, etc. is not available. Mr. Herr stated that this is not unusual for a municipality of our size. The borough reports within the regulatory Pennsylvania Department of Economic and Community Development (DCED) template that does not require this type of reporting. There were no instances of noncompliance or any findings during the 2023 audit. Accounting estimates for pension liability were found to be operating effectively. The police plan rose from 66% to 70%

funded and the non-uniform plan remains overfunded. The actuarial calculations for the Minimum Municipal Obligation police plan decreased from \$153,158 to \$123,376.

Revenue sources increased roughly \$450,000 in 2023. Real estate taxes rose \$100,000, water system revenues rose a bit due to consumption, and sewer charges appear to be flat; however, in 2022 there was a \$200,000 grant received for a water project. Therefore, the increased revenue of \$200,000 in 2023 is related to a rate increase and increased usage. An increase in interest income of \$200,000 was related to better interest rates.

Expenditures increased roughly \$160,000 in 2023 lining up nicely to the increased revenues. The largest expenses pertained to public safety which increased 1% in 2023 due to effective cost containment efforts. Parking and water increased due to water purchase costs and equipment purchase. Solid waste and sewer are down roughly \$300,000; however, last year there was \$540,000 in capital spending. Operational costs increased \$250,000 primarily due to solid waste disposal costs. Highways and streets increased in 2023 due to an increase in paving projects.

Fund balance trends over the last three years show a strong General Fund balance that increased nicely by 40%. The other governmental funds such as liquid fuels and special reserve decreased \$450,000 as these are discretionary funds that are saved for projects. The enterprise funds for water, sewer, and sanitation increased to \$2,100,000 creating a healthy fund balance.

There were no questions or comments. Mr. Herr departed the meeting at 7:15 p.m.

5. **AGENDA AMENDMENTS:** There were no amendments to the agenda.

6. **PUBLIC COMMENT:**

Ms. Sherk shared that Mark Woodward has decided not to host the family friendly French Fry Fest event this year due to the increased cost of borough services last year. The French Fry Fest event is the third largest event held in the borough, ahead of the Craft Pretzel & Beer event, during the month of August that brings a much-needed boost to business. Ms. Sherk inquired as to the cost difference for borough services between the French Fry Fest and the recent Cinco de Mayo event. Mr. Lineaweaver shared that service rates for employees were reviewed and lowered last year to fairly capture expenses that did not include items such as benefits, and a reduced invoice was provided to Mr. Woodward. The Cinco de Mayo event is a smaller event in density and reserved space. Based on the density of attendees and vendors that participate in the French Fry Fest two dedicated police officers were staffed and additional road closure and trash removal efforts were provided in comparison to the Cinco de Mayo event. Chief Tornielli noted a number of variables that determine the recommended number of officers per event and often times the reliance on outside assistance for larger events.

Ms. Oldham shared her frustration today following receipt of a parking ticket for parking behind her home on street cleaning day. She understands now that regulations changed and recommended notifications be provided to adjacent homeowners in the future to avoid parking tickets. Mr. Lineaweaver noted that the alley had not been signed properly in relation to the ordinance, and Mr. Grassley shared that a number of residents complained of difficulty accessing or exiting off-street parking spaces due to cars parked across the street. As a representative of the Traffic & Infrastructure Committee, Mr. Kaag agreed that flyer notifications would be prudent and would review the possibility of lifting alley parking restrictions on street sweeping days to alleviate the strain to available on-street parking.

Ms. Oldham expressed concern about falling tree branches. It was noted that the tree trimming budget was doubled this year to maintain the inventory of 1,014 trees.

Mr. Rogers provided an update on his Business Privilege Tax review noting 440 paid accounts and 226 accounts that remain unpaid. He also indicated that the Code Department included a Berkheimer tax form with the rental occupancy renewal mailing this year and a number of rental property owners that questioned the tax. He spoke of a right-to-know request that included a list of 30 businesses and a request for tax payment status that had been denied based on a taxpayer bill of rights and requested Borough Council to direct staff to provide the information. Mr. Lineaweaver noted that the right-to-know request had been vetted by both the Borough Manager and Solicitor, and that his next recourse would be to appeal to the Office of Open Records. Mr. Rogers noted previous right-to-know requests that included delinquent tax information. Mr. Sichler expressed that right-to-know requests are for documents that are allowed to be released, tax records are confidential and may only be released to the taxpayer. If the document does not exist or is in the form of a tax bill these items cannot be released. Mr. Sichler reminded Mr. Rogers that right-to-know is not to answer questions, but to provide documentation.

7. **APPROVAL OF COUNCIL MINUTES:**

Motion to approve the April 16, 2024, and April 24, 2024 meeting minutes. **Moved** by Ms. Drobnick and seconded by Mr. Shaver. **Motion carried 6-0.**

8. **ORDINANCES / RESOLUTIONS:**

- a. **Resolution 2024-12 Extension of Local Disaster Emergency** – Consideration was requested to extend the local disaster emergency.

Motion to adopt Resolution 2024-12 extending the Proclamation of Local Disaster Emergency until the June 18, 2024 Borough Council meeting. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 6-0.**

- b. **Resolution 2024-13 Experimental Parking Regulations** – Mr. Lineaweaver noted a section of ordinance that allows experimental parking regulations for a period of 90 days. The temporary measures would allow time for feedback. The resolution proposes 20-minute parking along Penn Avenue, 3-hour parking and additional accessible parking spaces along the 300 block of South Seventh Avenue, and an accessible space designated on North Sixth Avenue. The temporary regulation of 20-minute parking spaces along Penn Avenue could solicit feedback from businesses, residents, and visitors alike and allow for adjustments prior to implementing permanent regulations. The space designations along Penn Avenue were chosen based on demographics and business composition, not exceeding one space per block, per side to deter pedestrian crossing of Penn Avenue. Mr. Wert questioned enforcement of temporary regulations to allow an education component. Chief Tornielli recommended ticketing accessible parking space violations and providing warnings for 20-minute parking space regulations. The added Parking Enforcement Officer should provide more consistent enforcement efforts.

Motion to adopt Resolution 2024-13 Experimental Parking Regulations that would include 20-minute parking spaces along Penn Avenue, 3-hour parking, and additional accessible parking spaces along the 300 block of South Seventh Avenue, and an accessible parking space on North Sixth Avenue. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 6-0.**

- c. **Resolution 2024-14 Fixing Charges for Industrial Wastes** – The annual adjustment of strong wastewater surcharge formula, as set by the Joint Municipal Authority of Wyomissing Valley, would go into effect on July 1, 2024.

Motion to adopt Resolution 2024-14 Fixing Charges for Industrial Wastes effective July 1, 2024.

Moved by Mr. Shaver and seconded by Mr. Wert. **Motion carried 6-0.**

9. **CONSULTANT'S REPORT:**

- a. **Solicitor's Report** – Mr. MacFarlane noted that the borough is preparing to sign an agreement for the acquisition of 433 Penn Avenue.

Motion to authorize the appropriate Borough Officials to execute an agreement of sale closing documents to purchase 433 Penn Avenue. **Moved** by Mr. Kaag and seconded by Ms. Bower.

Motion carried 5-0. Mr. Wert abstained from this vote.

- b. **Engineer's Report** – Ms. Stevens reviewed the following items:

- 2024 Road Project preconstruction meeting is scheduled tomorrow with plans to begin projects on Tuesday, May 28th. Ms. Stevens recommended that tree trimming be performed in these areas to avoid unnecessary delays or damage to trees.
- Ms. Stevens shared news of potential grant funding of smart parking meters to provide a user-friendly parking experience.
- A survey has been ordered for the two blocks of Ann Street for the Multimodal Grant project.
- A grant application has been submitted for a Rectangular Rapid Flashing Beacon to be installed at the Fifth Avenue and Pine Street pedestrian crossing.
- A grant opportunity through the Local Share Account is available and was recommended to be pursued to fund the proposed Sixth Avenue water line replacement project between Penn Avenue and Franklin Street.

Motion to authorize the engineer to apply for a Local Share Account Grant to replace a waterline on Sixth Avenue between Penn Avenue and Franklin Street. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 6-0.**

Mr. Dmochowski departed the meeting at 7:58 p.m.

Motion to accept the Engineer's report. **Moved** by Mr. Shaver and seconded by Ms. Bower. **Motion carried 6-0.**

10. **COUNCIL PRESIDENT'S REPORT:**

Mr. Lineaweaver noted that the Borough Council met with candidates for the Borough Manager position last week and have identified a candidate.

Motion to provide a conditional offer of employment to fill the Borough Manager position. **Moved** by Ms. Drobnick and seconded by Mr. Shaver. **Motion carried 6-0.**

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

- a. **Gateway Improvements** – Mr. Sichler requested consideration to apply for a non-environmental permit application to Norfolk Southern to learn what would be allowed in

attaching gateway improvements to the railroad bridge overhead crossing of Penn Avenue, the cost is \$1,500.

Motion to authorize an application and fee of \$1,500 to Norfolk Southern for a non-environmental permit application for the proposed Gateway LSA grant improvements. **Moved** by Ms. Bower and seconded by Ms. Drobnick. **Motion carried 6-0.**

- b. **Notice of Intent to Remediate** – Mr. Sichler shared receipt of a notice of intent to remediate from the Pennsylvania Department of Environmental Protection (DEP) for a property located within the 100 block of Franklin Street, R.M. Palmer Building #5, that has soil contamination. The Act 2 process dictates that the borough can request a public involvement plan by the deadline of May 31, 2024.

Motion to authorize a letter to DEP to request a public involvement plan for the mitigation of metals in the soil of an industrial property. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 6-0.**

Ms. Stevens departed the meeting at 8:03 p.m.

Motion to accept the Borough Manager's report. **Moved** by Mr. Wert and seconded by Mr. Shaver. **Motion carried 6-0.**

12. **MAYOR'S REPORT:** The Mayor was unable to attend the meeting.

13. **DEPARTMENT REPORTS:**

- a. **Police Department** – Chief Tornielli noted continued use of discretionary time enforcing traffic regulations on the north side of town, specifically North Sixth and Reading Avenues, Delaney Circle and Buttonwood Street. The new Parking Enforcement Officer is in training until the first week of June when they will be rotating day and evening shifts as well as Saturday hours. The in-car cameras are fully deployed and linked with the body-worn camera system. There have been no issues with the new system. The new Penn Avenue and Borough Hall security cameras are operational with monitors throughout Borough Hall. The new cameras on Penn Avenue were helpful during the recent Craft Pretzel and Beer Festival. The entry level police officer oral examinations will take place next week with the Civil Service Commission.

Motion to accept the Police Department report. **Moved** by Mr. Shaver and seconded by Ms. Bower. **Motion carried 6-0.**

- b. **Public Works Department** - Mr. Grassley offered to answer any questions regarding his report and noted plans to install a solar light at the walking bridge. The City of Reading has been contacted and approved the installation of a solar light. Permitting fees were waived and a permit application has been filed on our behalf.

Motion to accept the Public Works Department report. **Moved** by Ms. Drobnick and seconded by Ms. Bower. **Motion carried 6-0.**

- c. **Fire Department** – Chief Moyer referred to his report and offered to answer any questions. Mr. Lineaweaver shared an incident where the fire department responded to a report of an unconscious male in cardiac arrest and arrived first on location. The crew quickly started CPR, provided oxygen, and utilized the AED to provide two shocks to the patient. Upon arrival of the

ambulance the patient was breathing and conscious. The crew will be commended at a later date and thanked for their service.

Motion to accept the Fire Department report. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 6-0.**

- d. **Code Department** – Mr. Moyer referred to his written report and shared that demolition permit applications have been submitted for the R.M. Palmer Building #5 and 158 Penn Avenue apartment building. These applications are currently under review by the engineer’s office. It was noted that Burkey Construction revisited the apartment building to reassess the structure, it was determined that the building should be demolished. The tree damaged sidewalk replacement program will begin improvements next week.

Motion to accept the Code Department report. **Moved** by Mr. Shaver and seconded by Ms. Drobnick. **Motion carried 6-0.**

- e. **West Reading Community Revitalization Foundation** – Mr. Price offered to answer any questions regarding his report and requested Borough Council’s consideration of the four local artist images of flowers and butterflies for the vinyl traffic boxes on Penn Avenue.

Motion to approve the artwork for the four vinyl traffic box wraps. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 6-0.**

Mr. Price recapped the following:

- The Craft Pretzel and Beer Festival went well considering the weather. There were roughly 10,000 visitors and 80 vendors.
- Art on the Avenue plans are underway, and it was noted that there is already a wait list for vendors. Mr. Price requested a meeting with Public Works and Chief Tornielli prior to the event to ensure smooth operations on the day of the event.

Mr. Lineaweaver inquired as to plans to update the bus shelter posters. Mr. Price indicated that the new posters are printed and ready to be installed. There are discussions on renting the advertising space in the future.

Motion to accept the West Reading Community Revitalization Foundation report. **Moved** by Ms. Bower and seconded by Mr. Kaag. **Motion carried 6-0.**

Mr. Price departed the meeting at 8:15 p.m.

14. COMMITTEE / COMMISSION REPORTS:

- a. **Diversity Equity & Inclusion Taskforce** – Mr. Lineaweaver noted that a meeting was not held this month and provided a reminder of the Pride Flag Raising Ceremony planned at Borough Hall on Friday, May 31, 2024.
- b. **Recreation Commission** – Mr. Esterly referred to his written report and requested consideration of approving a list of seasonal pool and playground staff hires. Mr. Lineaweaver shared new lifeguard and concession staffing ranging from \$10 to \$10.25 per hour, and playground leaders ranging from \$10 to \$10.75 per hour.

Motion to approve the list of pool and playground seasonal staff hires as presented. **Moved** by Mr. Shaver and seconded by Mr. Wert. **Motion carried 6-0.**

Mr. Esterly shared the following highlights from his report:

- The pool is scheduled to open this weekend.
- The Candyland Family Dance was held last month with a number of attendees.
- Vines and Vibes was a successful event organized primarily by Ms. Bower.
- DCED grant funding has been awarded for new cameras and lighting in the park system.
- The Playground program begins on June 10th.

Ms. Drobnick thanked Ms. Bower for organizing a great event, and shared plans to continue bike riding, Zumba, and yoga in the park during the summer months. A karaoke competition is being planned for September 1st, more details to follow. Ms. Drobnick thanked Mr. Grassley for his assistance in satisfying equipment needs last Sunday.

Motion to accept the Recreation Commission report. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 6-0.**

- c. **Planning Commission** – Mr. Wert noted more of a work session this past month without representatives of Derck & Edson to discuss zoning amendments to create form-based code regulations. The signage portion of the contract should be addressed soon. Mr. Wert thanked Mr. Moyer for his diligence in reviewing draft regulations and sharing his thoughts, which is an asset to the commission. On a sad note, Mr. Wert shared that Maxine Goodwin, who served more than fifteen years on the Planning Commission and always with a smile, recently passed away.

Motion to accept the Planning Commission report. **Moved** by Ms. Bower and seconded by Ms. Drobnick. **Motion carried 6-0.**

- d. **Economic Development Committee** – The May Economic Development Committee meeting was cancelled.
- e. **Environmental Advisory Council** – Mr. Kaag highlighted discussions surrounding the Earth Day Clean Up and Free-Market events that were held this past month that resulted in the collection of over one thousand pounds of trash during a three-day span. Penn Entertainment joined the festivities by cleaning the City of Reading side of the bridge. The Free-Market items were almost completely dispersed. It was noted that the fall event may include furniture items. The EAC members are being stewards of the R.M. Palmer Memorial Garden to ensure the area remains clean. The new Community Garden location is progressing with plans to relocate the shed. The Delaney Memorial items will be relocated from the traffic circle to the park area.

Motion to accept the Environmental Advisory Council report. **Moved** by Mr. Shaver and seconded by Mr. Wert. **Motion carried 6-0.**

- f. **Traffic and Infrastructure Committee** – Mr. Kaag recapped plans to restructure parking regulations along the 300 block of South Seventh Avenue in conjunction with the Reading Hospital to create a more user-friendly parking experience. The trial sidewalk replacement program to replace sections of sidewalk damaged by borough tree roots is progressing with plans to begin physical replacement of sidewalk panels soon.

Motion to accept the Traffic and Infrastructure Committee report. **Moved** by Ms. Drobnick and seconded by Mr. Shaver. **Motion carried 6-0.**

- g. **Shade Tree Commission** – The May Shade Tree Commission meeting was cancelled.

- h. **Safety Committee** – Mr. Sichler shared the committee’s creation of by-laws as required by a safety audit and requested Borough Council’s approval of the same.

Motion to approve the Safety Committee By-Laws as presented. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 6-0.**

Motion to accept the Safety Committee report. **Moved** by Ms. Drobnick and seconded by Mr. Shaver. **Motion carried 6-0.**

- i. **Finance Committee** – The May Finance Committee meeting was cancelled.

15. **TREASURER’S REPORT:**

Mrs. Rentschler shared that the General Obligation Bond funds were received today and have been deposited into a PLGIT account. The bank balance review delineated a number of recommended transfers of funds, including a twelve-month term since it is thought that interest rates will be declining in the coming months. A graph of combined cash balances from 2021 to present day were noted to be increasing nicely each year.

- a. **Transfer of Funds** – The following transfer of funds were requested:

- 1) Consideration was requested to transfer funds from the M&T Bank General Fund account to the PLGIT TERM account at a rate of approximately 5.42%.

Motion to approve the transfer of \$1,000,000 from the M&T Bank General Fund account to invest in the PLGIT TERM account for six months. **Moved** by Mr. Wert and seconded by Mr. Kaag. **Motion carried 6-0.**

- 2) Consideration was requested to transfer funds from the M&T Bank General Fund account to the PLGIT TERM account at a rate of approximately 5.37%.

Motion to approve the transfer of \$1,000,000 from the M&T Bank General Fund account to invest in the PLGIT TERM account for twelve months. **Moved** by Mr. Shaver and seconded by Ms. Drobnick. **Motion carried 6-0.**

- 3) Consideration was requested to reinvest a maturing PLGIT TERM funds at a rate of 5.42%.

Motion to approve the reinvestment of \$500,000 in the PLGIT TERM fund maturing on May 23, 2024 for six months. **Moved** by Mr. Shaver and seconded by Mr. Wert. **Motion carried 6-0.**

- b. **2023 DCED and Tax Collector Audits** – Consideration was requested to accept the audit reports.

Motion to accept the Maillie 2023 audit reports as presented. **Moved** by Mr. Kaag and seconded by Ms. Bower. **Motion carried 6-0.**

- c. **Financial Statement Ending 4/30/2024** – There were no questions or comments.

- d. **Payment Approval Report 4/17/24 to 5/16/24, and 5/17/24 to 5/21/24** – There were no questions or comments.

Motion to approve the financial statement ending 4/30/2024, and Payment Approval Reports of 4/17/24 through 5/21/24. **Moved** by Mr. Wert and seconded by Ms. Drobnick. **Motion carried 6-0.**

Mr. Lineaweaver highlighted two items that pertained to the Recreation budget noting that revenues associated with Bicentennial House rentals are more than double the amount collected

in 2023. Seventy-three percent of the budget has been collected thanks in part to renovations that were completed late last year. Mr. Grassley shared plans to improve the kitchen and bathroom areas this year and hopes to also improve the 2nd floor of the pavilion to include bathrooms. Secondly, both pool and playground receipts are higher than last year at this time, due in part to online registration capabilities.

16. **PUBLIC COMMENT:**

Ms. Oldham shared her favorable experience in Fort Myers last year with a pay to park app that alerted her to time limit expirations and the ability to extend the parking period right from her phone.

Mr. Rogers expressed a safety concern during the large event in the park last weekend that pertained to the number of dogs present while children were at play. Ms. Bower noted several compliments received on the event being dog friendly. Mr. Rogers shared information posted on a sign in the playground area that limits the presence of dogs to seeing eye and service dogs. The regulations will be reviewed, and adjustments made as appropriate.

Ms. Sherk inquired as to who would be responsible for contacting UGI Utilities, Inc. to repair/replace sidewalk panels that were damaged or removed for gas line work. Mr. Moyer indicated that several permit applications were recently received from UGI Utilities, Inc. to replace sidewalk panels around the borough.

17. **ADJOURNMENT:** Motion to adjourn the meeting at 8:41 p.m. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary