

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

July 16, 2024 – 7:00 p.m.

West Reading Borough Council held its regular monthly meeting at Borough Hall on Tuesday, July 16, 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 Zanna Leiendecker; Mayor Samantha Kaag; Solicitor Daniel Becker, Code Department Manager & Fire Chief Chad Moyer; Treasurer Jeanette Rentschler (via Zoom); Public Works Director Kerry Grassley; Chief of Police Richard Torielli; Engineer Pamela Stevens; Recreation Director Michael Esterly; Borough Manager Randall P. Miller; and Borough Secretary Cynthia Madeira. Council Member Bethany Bower was unable to attend.

VISITORS:

James Rogers, Resident	Karen Livingood, Resident
Lance Parmer, Fire Police (via Zoom)	Suzanne Thompson, Resident
Kate Mallow, Resident	Johanny Cepeda-Freytiz, State Representative
Yajaira Stone, State Representative's Office	

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 7:04 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 at 6:30 p.m. this evening to discuss emergency preparedness, potential litigation pertaining to a liquor license transfer and a subject that arose just before this meeting regarding bargaining unit negotiations of Act 49.
3. **AGENDA AMENDMENTS:** There were no amendments to the agenda.
4. **PRESENTATION:** State Representative Johanny Cepeda-Freytiz shared her appreciation of representatives of West Reading and presented the Recreation Department with a large \$20,000 check symbolic of the Pennsylvania Department of Community and Economic Development (DCED) grant awarded to upgrade cameras and lighting in the park system.
5. **PUBLIC COMMENT:**

Mr. Rogers provided an update on his Business Privilege Tax collection research noting a total of 771 accounts in the Berkheimer Tax Innovations accounting system and a reduction in the number of accounts that have not filed from 399 to 302.

Mr. Rogers shared his findings through a right-to-know request where the Lofts at Narrow are deficient in their rental unit reinspection's. Liability concerns on behalf of the borough were shared and recommended that the borough lower the reinspection fee from \$100 per unit to encourage the owner to schedule reinspection's. Mr. Lineaweaver noted an agreement between the borough and Lofts at Narrow lowering the rental occupancy fees based upon their ability to limit the amount of time needed to inspect a large quantity of units and the proposed limit to the number of violations with an onsite management company. Mr. Moyer noted a number of violations that were found, some of which were satisfied through photographs. However, life safety violations would require onsite reinspection's for items such as GFCI receptacle testing. The borough's solicitor and Lofts at Narrow attorney are working through an amicable agreement. Mr. Moyer noted that images of the new receptacles have been provided, however the borough has not been able to test their

functionality. Mr. Becker reported that the Lofts at Narrow have agreed to onsite inspections of life safety violations and will be scheduling these inspections in the near future.

Ms. Mallow thanked Chief Tornielli for addressing her concerns verbally on fireworks and noise ordinance issues, and she looks forward to further discussions in finding a solution for the community. A thank you was also expressed to the Public Works Department and borough leadership in addressing multiple water main breaks. Ms. Mallow inquired as to efforts being made by the borough to hold Western Berks Water Authority (WBWA) accountable for the cause and effect of the water hammer. Mr. Miller indicated that a letter will be mailed to WBWA tomorrow requesting comments on reasons for the increased water pressure with copies to the surrounding municipalities that also experienced issues with the recent surge in water pressure. Ms. Mallow requested to include the representatives of West Reading Borough that serve on the WBWA board to provide feedback and advocacy on behalf of the borough. She encouraged establishment of an escrow in an amount of funds that equals the expenses incurred by the borough for WBWA's failure to provide adequate services until a resolution is found.

6. **APPROVAL OF COUNCIL MINUTES:**

Motion to approve the June 18, 2024 meeting minutes. **Moved** by Ms. Drobnick and seconded by Mr. Shaver. **Motion carried 6-0.**

7. **ORDINANCES / RESOLUTIONS:**

- a. **Ordinance 1185 Time Limit & Special Purpose Parking Amendments** – Mr. Lineaweaver recapped the experimental regulations instituted two months ago and advertised last month for adoption today. There were no questions on the advertised changes in parking regulations to Penn Avenue, South Seventh Avenue, North Sixth Avenue, and North Third Avenue.

Motion to adopt 20-minute parking spaces along Penn Avenue, 3-hour parking, additional accessible parking spaces, and bus stop designation along the 300 block of South Seventh Avenue, an accessible parking space on North Sixth Avenue, and 3-hour parking on South Third Avenue from Penn Avenue to Court Street. **Moved** by Mr. Kaag and seconded by Ms. Leiendecker. **Motion carried 6-0.**

- b. **Resolution 2024-17 Extension of Local Disaster Emergency** – Consideration was requested to extend the local disaster emergency. It was hopeful that this would be the last extension.

Motion to adopt Resolution 2024-17 extending the Proclamation of Local Disaster Emergency until the August 20, 2024 Borough Council meeting. **Moved** by Ms. Leiendecker and seconded by Mr. Kaag. **Motion carried 6-0.**

- c. **Resolution 2024-18 Berks County Tax Collection Executive Committee** – Adoption of this resolution would appoint the new Borough Manager as an alternate delegate to represent municipalities that lie in the Wyomissing Area School District.

Motion to adopt Resolution 2024-18 Berks County Tax Collection Executive Committee to appoint Randall P. Miller as the alternate delegate to the tax collection committee. **Moved** by Mr. Wert and seconded by Ms. Drobnick. **Motion carried 6-0.**

- d. **Resolution 2024-19 WalkWorks Program Grant Application** – Following encouragement from representatives that attended the Pennsylvania State Association of Boroughs conference a grant funding opportunity through the Pennsylvania Downtown Center would create active

transportation plans that are in line with the adopted Downtown Master Plan. This opportunity could provide for additional grant funding to implement new active transportation plans.

Motion to apply for a WalkWorks program active transportation plan grant opportunity.

Moved by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 6-0.**

- e. **Resolution 2024-20 Experimental Parking Regulations** – Mr. Lineaweaver shared the intent to prohibit parking at all times on Clark Alley and the full length of Grape Street. The experimental regulations would allow time for residents to provide feedback on the proposed regulations. Mr. Moyer noted a 16' street right-of-way and 2' sidewalk rights-of-way on either side that would prohibit parking entirely within the 500 block of Grape Street. Emergency vehicle access and access to off-street parking areas were reasons for the recommended change in regulations. Mr. Wert indicated that numerous complaints regarding these restrictions will more than likely be lodged. Mayor Kaag expressed concern in foregoing the proposed parking restrictions based on community feedback when there could be life-safety issues in accessing these properties. Conversations with complainants were recommended to be upfront and factual. Chief Tornielli indicated that warnings would be issued for a period of time prior to implementing enforcement. Mr. Lineaweaver requested staff to notify residents adjacent to these areas of the proposed change in parking regulations.

Motion to adopt experimental parking regulations that would prohibit parking at all times on Clark Alley and Grape Street. **Moved** by Ms. Leiendecker and seconded by Mr. Shaver. **Motion carried 6-0.**

8. **CONSULTANT'S REPORT:**

a. **Solicitor's Report** – Mr. Becker indicated that he had nothing new to report.

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

- Change Order No. 1 from H&K Group, Inc. decreasing the 2024 paving contract to reflect actual quantities of materials installed. Motion to approve Change Order No. 1 decreasing the contract amount \$9,665.10. **Moved** by Ms. Leiendecker and seconded by Mr. Shaver. **Motion carried 6-0.**
- Payment Application No. 1 from H&K Group, Inc. for the 2024 paving projects were recommended for approval conditioned upon receipt of the balance of closeout documentation. Motion to approve Payment Application No. 1 to H&K Group, Inc. in the amount of \$373,602.71. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 6-0.**
- A Municipal Opportunities for Retrofits and Energy Efficiency (MORE) Grant opportunity application was recommended to perform Level 2 Commercial Energy Audits of municipal buildings. Maximum grant funds of \$50,000 could have been used towards improvements should an energy audit have been performed less than five years ago. The last energy audit was performed at Borough Hall in 2018. It was unclear as to how West Reading Borough became a priority municipality and Ms. Stevens recommended submitting an application as soon as possible. It was noted that a 0% interest MORE Loan could be applied for to perform energy saving upgrades identified in the audit. Mr. Miller recommended applying

for grant funding to perform energy saving upgrades while using the MORE Loan to fund the borough's match of higher ticket improvements.

Motion to authorize an application for a MORE Grant to perform Level 2 Energy Audits of the Borough Hall, Fire Department, and Bicentennial House buildings. **Moved** by Mr. Kaag and seconded by Mr. Shaver. **Motion carried 6-0.**

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

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

Mr. Lineaweaver shared that borough representatives met with the City of Reading and members of the Pickleball Association at the Pickleball courts yesterday to discuss the additional parking spaces that were added on Old Wyomissing Road that are the responsibility of the city. Mr. Lineaweaver shared that the borough will be concealing the porta-potty area as requested.

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

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

Mr. Miller provided a verbal overview of his report to Borough Council and reviewed the following action items:

- Appointment of Randall P. Miller to the list of Committees of Council, as a bank signatory, Assistant Borough Secretary, and Open Records Officer. **Moved** by Mr. Wert and seconded by Ms. Leiendecker. **Motion carried 6-0.**
- Approval of the Reading Hospital Road Run Event on Sunday, October 20, 2024. Chief Torielli noted a different route this year since the Borough of Wyomissing did not approve the portion of the run through their park. He noted the route from the hospital through the south side of the borough into the City of Reading and back to Sixth Avenue and Spruce Street. Mr. Lineaweaver shared the annual request to waive traffic control equipment fees.

Motion to approve the Reading Hospital Road Run Event on Sunday, October 20, 2024 and the requested waiver of fees associated with traffic control equipment. **Moved** by Mr. Kaag and seconded by Ms. Drobnick. **Motion carried 6-0.**

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

11. **MAYOR'S REPORT:** Mayor Kaag noted a slow summer month and shared a reminder of the Tuesday, August 6th National Night Out Event.

Motion to accept the Mayor's report. **Moved** by Ms. Leiendecker and seconded by Ms. Drobnick. **Motion carried 6-0.**

Ms. Stevens departed the meeting at 7:53 p.m.

12. **DEPARTMENT REPORTS:**

a. **Police Department** – Chief Torielli provided an assessment of the first six-months of this year in comparison to the same time period last year noting the following:

- Calls for service increased 13%

- Arrests increased 49%
- Traffic stops increased 211%
- Traffic citations increased 389%
- Parking violations increased 36%

In spite of the increased volume of work the dispatch/response times to arrive on location average 3.5 minutes. The officers were challenged to step up traffic enforcement for various reasons such as complaints received and the volume of pedestrian traffic. Studies have shown that in areas where traffic enforcement is conducted there is a reduction in the number of traffic incidents such as crashes and has a positive impact on crime reduction.

Chief Tornielli shared that no incidents were reported during the Art on the Avenue event, noting approximately 24,000 event attendees.

Officer Thomas Hawn retired on July 9, 2024 after serving the borough for 37 years in law enforcement. Congratulations to Officer Hawn.

During the 4th of July holiday, there were eight calls for incidents related to fireworks use. Two citations were issued for the illegal use of fireworks and an additional incident remains under investigation. Chief Tornielli noted an average of six incidents per year for the past five years. However, after speaking with residents such as Ms. Mallow, the data does not seem to represent the problem in the borough. To avoid a more significant problem in the future Chief Tornielli plans to review options to reduce incidents noting that response times were slower than desired this year due to a Driving while Under the Influence accident with injuries occurring at the same time. Plans for additional deployments will be increased next year.

A number of thefts from auto incidents occurred overnight on June 30, 2024. Directed patrols were put in place and no additional incidents have been reported.

Per the Collective Bargaining Agreement Chief Tornielli requested permission to allow an officer to utilize four weeks of personal sick time as family sick leave. It was noted that the request is related to a birth.

Motion to allow an officer to utilize four weeks of personal sick time as family sick leave. **Moved** by Ms. Leiendecker and seconded by Mr. Kaag. **Motion carried 6-0.**

State Representative Cepeda-Freytiz and Ms. Stone departed the meeting at 8:00 p.m.

Chief Tornielli requested consideration to remove the Act 120 requirement for hiring police officers, currently the borough requires applicants to be certified police officers. With the retirement of Officer Hawn, the hiring process will begin again. Grant funding can help offset police academy expenses and reimburse wages when an individual returns to the borough for employment. The Civil Service Commission did not have any reservations in the change if Borough Council has no reservations. Mr. Becker noted that most municipalities have waived Act 120 requirements. Mr. Lineaweaver noted that the American Rescue Plan Act (ARPA) grant funding to support Act 120 training and recruitment activities for law enforcement officers will end at some time in the year 2025.

Motion to remove the Act 120 requirement for hiring police officers. **Moved** by Mr. Shaver and seconded by Ms. Drobnick. **Motion carried 6-0.**

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

- b. **Public Works Department** - Mr. Grassley offered to answer any questions regarding his report and noted an experiment in turning off the pool pumps during the month of June and a savings of \$400. The pool water quality remains high therefore he plans to continue this operation through the month of July. Mr. Grassley thanked Mr. Lineaweaver, Mr. Miller, and Mrs. Madeira for answering his calls during the water main breaks. The calculated loss of water was 1.5 million gallons. Mr. Lineaweaver thanked Mr. Grassley and his crew for going above and beyond the call of duty last weekend.

Mr. Grassley requested consideration to mill and overlay a portion of the 000 block of South Second Avenue in conjunction with the UGI Utilities, Inc. paving project to save setup costs. A quote of \$12,484.80 was received from Construction Masters Services, LLC, below the bidding requirement of \$12,600. A second quote was received which was double the cost. Mr. Wert inquired as to the timing of the project in correlation to the demolition of R.M. Palmer's Building #5 and the negative impact that could be caused to the improved roadway. It was unclear as to R.M. Palmer's plan to demolish the building fronting Second Avenue. The ordinance section that places a moratorium on opening a street within five years of paving was recommended to be reviewed by the solicitor's office.

Motion to authorize the expenditure of \$12,484.80 to mill and overlay a section of the 000 block of South Second Avenue. **Moved** by Mr. Kaag and seconded by Ms. Leiendecker. **Motion carried 6-0.**

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

- c. **Fire Department** – Chief Moyer referred to his report and noted the recent purchase of discounted LED lighting panels through Met-Ed that will be installed as an energy cost saving effort.

Motion to accept the Fire Department report. **Moved** by Ms. Leiendecker and seconded by Ms. Drobnick. **Motion carried 6-0.**

- d. **Code Department** – Mr. Moyer referred to his report and shared information regarding R.M. Palmer's Building #5 demolition that is planned to begin tomorrow. The contractor for the Candlewood Suites retaining wall repairs has submitted revised plans to the engineer's office for review. An update addressing the overgrown vegetation located on an Oak Terrace property indicated that a family member of the owner was unable to illicit assistance from Met-Ed to address vegetative growth near power lines. Mr. Moyer spoke with a Met-Ed representative who stated that this area is on the forestry list, however she was unsure which forestry would be performing the trimming. The family member hired a contractor that will trim back vegetative growth up to the power lines.

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

- e. **West Reading Community Revitalization Foundation (WRCRF)** – In the absence of Mr. Price Mr. Lineaweaver shared highlights of his report noting the following:
- Fall Fest registration is now open with over 80 vendors registered.
 - The WRCRF is working with the Berks Better Business Coalition by inviting high school teachers to work with a few of our businesses to relay insights to students.
 - Sponsorship ideas are being discussed with Garnet Audi similar to the recent New Castle Lawn & Landscape traffic box covers.
 - A meeting to review the DCED gateway and lighting grant awards with the new Borough Manager is being scheduled.

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

13. **COMMITTEE / COMMISSION REPORTS:**

- a. **Diversity Equity & Inclusion Taskforce** – The June Diversity Equity & Inclusion Taskforce meeting was cancelled.
- b. **Recreation Commission** – Mr. Esterly requested approval to hire additional pool staff to provide sufficient staffing for the busy pool season and to offer swimming lessons.

Motion to approve the hiring of a lifeguard, water safety instructor and concession worker. **Moved** by Mr. Shaver and seconded by Ms. Leiendecker. **Motion carried 6-0.**

Mr. Esterly shared upcoming events such as Pups at the Pool on September 2nd and National Night Out on August 6th. The first half of the hot pool season has increased the number of visitors each day. The games and events held during the 4th of July festivities at the pool were well attended. The Playground program is winding down with a number of field trips planned such as a magic show and K-9 demonstration by Officer Breitenstein.

Ms. Drobnick thanked Mr. Esterly for managing the busy pool season. Mr. Lineaweaver noted that the pool is tracking at 83% of pool receipts at the end of June, almost double from last year. Concession stand receipts are currently tracking at 65% of budgeted revenues.

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

- c. **Planning Commission** – Mr. Wert spoke of a continued review this month with Mark Evans of Derck & Edson and the difficulty of Commission members agreeing to a maximum impervious lot coverage by zoning district while maintaining economic development goals. Signage will be a separate discussion that will follow the zoning aspects of creating form-based codes. It was noted that the August meeting may be cancelled due to the Chair and Vice Chair, and Derck & Edson representative being unable to attend.

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

- d. **Economic Development Committee** – Mr. Wert shared the comings and goings of businesses and reminded everyone of the economic vibrancy of our downtown, noting his travels through

northern Pennsylvania where smaller boroughs are primarily boarded up. A parking problem is a good problem to have.

Motion to accept the Economic Development Committee report. **Moved** by Ms. Leiendecker and seconded by Ms. Drobnick. **Motion carried 6-0.**

- e. **Environmental Advisory Council** – Mr. Kaag spoke of progress this past month to relocate the community garden. Also, the relocation of Delaney memorial items is being worked through which includes the Mayor seeking funding of landscape improvements to the new memorial location in the parklands. Mr. Esterly inquired as to relocation of the tree lighting ceremony. Mayor Kaag noted that the tree lighting ceremony is separate from the Delaney memorial and more than likely the tree lighting ceremony will be held in the circle this year and reviewed for relocation in the future. Mr. Kaag noted discussions on expanding the dog waste stations throughout the borough while refraining from placing them in front of homes. Available locations along Penn and Reading Avenues were discussed.

Motion to accept the Environmental Advisory Council report. **Moved** by Ms. Leiendecker and seconded by Ms. Drobnick. **Motion carried 6-0.**

- f. **Traffic and Infrastructure Committee** – Mr. Kaag shared discussions held with Walker Consultants on the scope of a revised residential permit parking program, funding of the unbudgeted study is under review. Mr. Wert recommended communicating with Nick Price for possible foundation grants through the Wyomissing Foundation to improve the quality of life for residents. Western Berks Water Authority (WBWA) representatives also joined the meeting to alert the borough to substantial rate increases. WBWA noted a reduction in consumption from the borough, increased operating expenses and upgrades that are needed to the facility to address the forever chemical compound known as PFAS. Mr. Becker recommended that the Council appointed WBWA West Reading Borough board members be capable of asking difficult questions. WBWA also alerted the borough to potential landfill and sewer treatment plant operation fee increases for their efforts to treat the newly regulated forever chemicals. Mr. Kaag also noted discussions surrounding the difficult decision to restrict parking on Grape Street.

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

- g. **Shade Tree Commission** – Mr. Kaag noted the normal tree planting, trimming, and removal review by Commission members. The extended dry, hot, windy weather conditions have led to a loss of branches on several trees throughout the borough. A number of branches fell this afternoon following a thunderstorm, including a large branch that fell on Council Member Bower's home. Mr. Kaag shared a recommendation to increase the tree trimming budget by \$10,000 next year to address safety concerns. Mr. Grassley shared a quote he received to remove up to three 70' trees in a day at a cost of \$5,000.

Motion to accept the Shade Tree Commission report. **Moved** by Ms. Leiendecker and seconded by Ms. Drobnick. **Motion carried 6-0.**

- h. **Safety Committee** – Mr. Grassley noted review of a training video on heat stress.

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

- i. **Finance Committee** – The July Finance Committee meeting was cancelled. Mr. Lineaweaver stated that this committee should be up and running in the near future once the new Borough Manager is full-time.

14. **TREASURER'S REPORT:**

- a. **Financial Statement Ending 6/30/2024** – There were no questions or comments.
- b. **Payment Approval Report 6/19/24 to 7/12/24 and 7/13/24 to 7/16/24** – There were no questions or comments.

Motion to approve the financial statement ending 6/30/2024, and Payment Approval Reports of 6/19/24 through 7/16/24. **Moved** by Ms. Leiendecker and seconded by Mr. Shaver. **Motion carried 6-0.**

15. **PUBLIC COMMENT:**

As a concern for borough liability, Ms. Mallow recommended reviewing the borough code for revisions. Mr. Becker indicated that it is too early in the process following the claimed water hammer caused by WBWA to recommend ordinance amendments. Ms. Mallow inquired as to an appropriate timeline, to which Mr. Becker indicated that it could be months based on whether it goes to litigation or an insurance claim. Individual property owners may have private cause of action for proven damages. Ms. Mallow noted the possibility of a class action lawsuit and stressed the importance for WBWA to seek grant funding of facility upgrades as opposed to passing the cost onto consumers. Ms. Mallow also stressed the importance of the borough holding WBWA accountable for damages. To improve communication efforts moving forward, it was recommended to use the same message that is posted on the website as on the flyers that are distributed to affected residents and providing the information bilingually. Lastly, Ms. Mallow urged Borough Council to be fiscally responsible in funding avenues to improve drinking water for the health of residents and the planet.

Mr. Rogers shared his Franklin Street tenants struggle with parking and a vehicle tagged by the police department on June 26th for removal within seven-days and found that due to the issuing officer being on vacation the removal was prolonged to 15 days. Mayor Kaag noted the need for the small police department to prioritize efforts and that members of Council also deal with the same issues. She encouraged Mr. Rogers to keep bringing instances to the department's attention to be addressed in a timely manner. He also shared an expired inspection sticker on Yarnell Street since 2021.

16. **ADJOURNMENT:** Motion to adjourn the meeting at 9:14 p.m. **Moved** by Mr. Shaver and seconded by Ms. Leiendecker. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary