BOROUGH OF WYOMISSING – COUNCIL MINUTES

FEBRUARY 12, 2013 – 7:00 P.M.

Wyomissing Borough Council held its regular monthly meeting at Borough Hall on the above date. Council President Frederick C. Levering called the meeting to order at 7:00 p.m. with the following persons present: Council Members Thomas M. Moll, Daniel A. Phelps, Thomas M. Bausher, D. Michael Forester, Mitchell R. Darcourt, and William P. Murray; Solicitor Christopher J. Hartman, Police Chief Jeffrey R. Biehl, Fire Commissioner Bruce E. Longenecker, Consulting Engineer Kenneth L. Fulmer of Great Valley Consultants, Borough Manager/Secretary Marti Heim-Hozey.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

VISITORS:
David A. Kostival, Reading Eagle
Carl Trettin, 1339 Monroe Ave.
Barbara Reeser, Borough Tax Collector and resident
Diane Hollinger, Recreation Director and resident
Michael Fitzgerald, Lauren's Foundation
Mary Ann Cairo, Lauren's Foundation
State Representative Mark Gillen & Family
Edward & Mary Taggert, Margaret Dr., Wyomissing

Presentation of Mayor's Proclamation to Edward A. Taggert of Margaret Drive: Council President Levering introduced Edward Taggert, a WWII Veteran and his wife Mary. The State House of Representatives passed a resolution recently to mark the 70th anniversary of the Battle of Guadalcanal, the first major Allied offensive action in the Pacific Theater during World War II. The resolution designated Feb. 9, 2013 as "the Battle of Guadalcanal Remembrance Day." Mr. and Mrs. Taggert were special guests of the House of Representatives last week when the resolution was passed.

Mayor Shuttlesworth read the Mayor's Proclamation to the audience which honored Mr. Taggert for his service during WWII, and particularly during the six-month battle of Guadalcanal. Thousands of troops were killed, wounded, and disabled during this battle. Mr. Taggert has had 8 episodes of malaria in his life, the first being while stationed at Guadalcanal.

State Representative Mark Gillen presented Mr. Taggert with a copy of the resolution which was passed in Harrisburg last week. Mr. Taggert has also agreed to serve as the Grand Marshal in the Wyomissing Memorial Day parade this year.

State Representative Gillen also mentioned that the Football and Golf Teams from the Wyomissing Area School District were recently honored in Harrisburg for winning the State Championships. Also honored was Audrey Ann Blakely for her State Tennis Championship.

PUBLIC COMMENTS:
Carl Trettin of 1339 Monroe Ave. again asked Council to consider revising the current Borough Ordinance that regulates dogs from running at large to also pertain to cats. Mr. Trettin has been at several previous Council meetings as well as Fire & Police Committee meetings with this request. The Fire & Police Committee has discusses this issue several times and feels that changing the ordinance would result in having an ordinance that would be very difficult to enforce. The F&P Committee will continue to discuss this issue. Mr. Trettin asked that something be put in the Borough newsletter and this will be done.

Michael Fitzgerald and Mary Ann Cairo from Lauren's Foundation presented a check to the Borough for $1,000 dollars. They are thanking the Borough Recreation Board as well as the Police Dept. for their help with "Fitzy's Run" each year. "Fitzy's Run" is a charity which has been set up to honor and remember Lauren Fitzgerald, a young Borough woman who died from a brain tumor in 2005. Mr. Fitzgerald said that $700 of the money should be used for Children's Recreation programs and $300 to help the Police Department.

RECEIPT OF REPORTS: On motion duly made, seconded and passed, Council received all reports submitted for consideration.

COUNCIL MINUTES: On motion duly made, seconded and passed, Council approved the minutes of the regular meeting of January 8, 2013.

Council President Levering noted that these Council minutes refer to the issue that Borough Tax Collector Barbara Reeser informed Council regarding the Borough's share of the 2012 real estate tax from the LERTA for the Wyomissing Square project. The check for the Borough's share of this tax for 2012 has been received now, but had not been as of January 8, 2013. Borough Manager Marti Heim-Hozey said that she called Nelson Long and asked if the Borough received interest from Berks County Tax Bureau since it took over six months for the Borough to receive their share. Mr. Long said that all the tax funds are in a non-interest bearing account so no interest is ever paid.

CONSULTING ENGINEER'S REPORT: On motion duly made, seconded and passed, Council approved the Consulting Engineer's report for February 2013.

Consulting Engineer Ken Fulmer referred to page one of his report dated February 7, 2013 regarding the Highlands Building Addition. The Infrastructure Committee Minutes from January 21, 2013 contain a recommendation to release $1,710.00 in escrow to the Highlands subject to approval from Borough staff. Great Valley Consultants reviewed the Highlands request and has determined that they are requesting release of money from the Stormwater Management fund which is not an escrow and not refundable. Therefore he is recommending that this this money not be released. Borough Solicitor Chris Hartman discussed this issue. He is in agreement that this money should be retained by the Borough as an escrow.

Councilmember Bausher made a motion, seconded by Councilmember Murray, to deny the request from the Highlands to release the $1,710.00 in escrow, all in favor, 7-0.

Consulting Engineer Fulmer recommended that $7,320.00 be released to the developers of 126 Reading Boulevard, which was also recommended by the Infrastructure Committee.

Councilmember Bausher made a motion, seconded by Councilmember Forester, to approve the release of $7,320.00 in escrow to the developers of 126 Reading Blvd. for the restoration of the trenches, all in favor, roll call vote, 7-0.

POLICE CHIEF & MAYOR'S REPORT: On motion duly made, seconded and passed, Council approved the Police Chief & Mayor's report of February 1, 2013.

Police Chief Biehl noted that he received a letter from Police Chief Bryan Ross from Spring Township thanking the Borough Police Department for their help during the Wilson Southern Middle School incident on January 15, 2013.

FIRE COMMISSIONER'S REPORT: On motion duly made, seconded and passed, Council approved the Fire Commissioner's report for January 2013. Fire Commissioner Longenecker mentioned that there was one structure fire and one vehicle fire in January.

LIBRARY BOARD: On motion duly made, seconded and passed, Council approved the Library Board report of January 15, 2013.

Councilmember Phelps reported on the meeting. The Library has six events planned beginning on February 23rd for their 100th birthday celebration.

PERSONNEL COMMITTEE: On motion duly made, seconded and passed, Council approved the Personnel Committee report of January 15, 2013.

Councilmember Moll reported on the meeting. The Committee discussed the Memo of Understanding regarding the GPS issue with the Police Union. This issue will be discussed during the Fire & Police Committee report. Also, there is no recent news regarding the labor negotiations with the Borough Maintenance Employees.

INFRASTRUCTURE COMMITTEE: On motion duly made, seconded and passed, Council approved the Infrastructure Committee report of January 21, 2013.

Councilmember Bausher reported on the following items which were recommended by the Infrastructure Committee for approval by Borough Council and were discussed:

Councilmember Bausher made a motion, seconded by Councilmember Moll to approve payment to All State Technology, Inc. in the amount of $103,692.50 for the repairs to the Borough swimming pool, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Murray to approve payment to Tri-State Grouting in the amount of $9,720.00 for the 2012 sewer rehabilitation project, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Phelps to approve the purchase of a replacement pump for the Berkshire Blvd. Pump Station. The pump will be ordered from Envirep/Gorman-Rupp and will take approx. 26-28 weeks for it to be delivered at a cost of approx. $22,000.00, all in favor, roll call vote, 7-0.

INFRASTRUCTURE COMMITTEE: On motion duly made, seconded and passed, Council approved the Infrastructure Committee report of February 11, 2013.

Councilmember Bausher reported on the following items which were recommended by the Infrastructure Committee for approval by Borough Council and were discussed:

RESOLUTION NO. 2013-01:

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, APPOINTING CODEMASTER INSPECTION SERVICES, INC. AS THE BOROUGH'S THIRD PARTY CODE INSPECTOR AND JEFFREY YOUNG OF CODEMASTER INSPECTION SERVICES, INC. AS THE BOROUGH'S BUILDING CODE OFFICIAL PURSUANT TO THE PENNSYLVANIA CONSTRUCTION CODE ACT.

Councilmember Bausher made a motion, seconded by Councilmember Moll to approve Resolution 2013-01 appointing CodeMaster Inspection Services, Inc. as the Borough's third party code inspector and Jeffrey Young of CodeMaster Inspection Services, Inc. as the Borough's building code official, all in favor, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Phelps to approve the request to allow the driveway of 1303 Parkside Drive North to be widened to 24', all in favor, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Murray to approve the sale of the Borough old backhoe to East Greenwich Township for $21,500.00, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Phelps to approve the release of escrow in the amount of $747.00 to BTS and Associates, from the Rite Aid project, all in favor, roll call vote, 7-0.

FIRE & POLICE COMMITTEE: On motion duly made, seconded and passed, Council approved the Fire & Police Committee report of January 28, 2013.

Councilmember Moll reported on the meeting. The Fire & Police Committee is recommending that Council approve Ordinance #1353-2013 for advertising. This ordinance will amend the agreement with the Westside Regional Emergency Management Agency. This change allows each municipality in the EMA to appoint one member of the governing body and one alternate from its elected officials, mayor, manager, or another designee.

ORDINANCE NO. 1353-2013:

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1, "ADMINISTRATION AND GOVERNMENT", BY AMENDING AND RESTATING IN ITS ENTIRETY PART 16, THE EXISTING INTERGOVERNMENTAL AGREEMENT FOR THE PURPOSE OF JOINING WITH OTHER POLITICAL SUBDIVISIONS AS A MEMBER OF A LOCAL EMERGENCY MANAGEMENT AGENCY KNOWN AS THE WEST SIDE REGIONAL EMERGENCY MANAGEMENT AGENCY.

Councilmember Moll made a motion, seconded by Councilmember Murray to approve Ordinance #1353-2013 for advertising, all in favor, 7-0.

Atonement Lutheran Church requested an additional exit lane onto Wyomissing Blvd. from their main parking lot. This would create a u-shaped entrance/exit of the parking lot. Attorney Chris Hartman suggested that the Borough check with Great Valley Consultants about the Church requesting a waiver from having to provide a formal Land Development Plan to the Borough Planning Commission.

Fire Commissioner Bruce Longenecker presented the Fire Dept. annual report for 2012. There was also discussion on the Shift Lead Position and a grant for $13,000 that the department will be receiving.

The Fire & Police Committee also discussed vehicles "speeding" along the 1400-1500 blocks of Penn Ave. near the Dosey Dough Coffee Shop. The speed was lowered to 30 mph in that area about ten years ago. The Committee felt that a pedestrian crosswalk would not be a good idea in that area.

The Committee also discussed the school district's inquiry to having a school resource officer from the Police Department. The Committee asked Chief Biehl to have the school district provide a plan of exactly what they have in mind in this regard.

RECREATION BOARD: On motion duly made, seconded and passed, Council approved the Recreation Board Report of January 29, 2013.

Councilmember Bausher reported on the meeting. David Morgan from SSM reviewed the proposal for professional services for Happy Hollow with the Recreation Board. The Board made a recommendation that the proposal submitted by SSM be recommended to Borough Council and the Finance Committee for review and approval.

Councilmember Bausher made a motion, seconded by Councilmember Moll to approve the SSM Group, Inc. proposal for professional services for the Park Master Planning for Happy Hollow Playground in the amount of $42,000.00, after review by Borough Solicitor Chris Hartman and the Finance & Administration Committee, all in favor, roll call, 7-0.

ECONOMIC DEVELOPMENT COMMITTEE: On motion duly made, seconded and passed, Council approved the Economic Development Committee report of January 31, 2013, all in favor.

Council President Levering reported on the meeting. Paul Janssen, the Director of the Center for Excellence in Local Gov't at Albright College was a guest at the meeting. Paul spoke about the new initiatives that the "Center" is involved in along with the Greater Reading Chamber of Commerce. The "Center's" annual dinner on March 21, 2013 will be focusing on these topics. Discussion on municipality and business cooperation will be a continued topic during 2013 and 2014.

PLANNING COMMISSION: On motion duly made, seconded and passed, Council approved the Planning Commission report of February 4, 2013, all in favor.

Councilmember Darcourt reported on the meeting. The Wyomissing School District would like to replace the turf on their existing turf athletic field. They requested a waiver from formal land development requirements to be allowed to proceed with the project.

Councilmember Darcourt made a motion, seconded by Councilmember Murray to grant the Wyomissing School District a waiver from formal land development requirements for the replacement of the turf field and some other improvements, all in favor, 7-0.

Atonement Lutheran Church is requesting the addition of a second driveway to the existing parking lot off Wyomissing Boulevard. Their sketch plan was presented to the Fire & Police Committee and received their approval. Engineer Fulmer is fine with the plan as long as the church contacts the Berks County Conservation District for their approval as well.

Councilmember Darcourt made a motion, seconded by Councilmember Moll to grant Atonement Lutheran Church a waiver from formal land development requirements for a driveway addition, all in favor, 7-0.

Councilmember Moll reported on a Facilities Committee Meeting that took place on Feb. 11, 2013. There are two issues that the Committee discussed. The first project is the renovations in the Council Chambers. The second project is the HVAC system in Borough Hall. Mike Kautter from Kautter & Kelly had recommended Barton Associates from York, PA, as an excellent company to create a preliminary design and plan for the HVAC project. Barton has been to Borough Hall and will create the HVAC plan at a cost of $23,500.00.

Councilmember Moll made a motion, seconded by Councilmember Bausher to hire Barton Associates to create an HVAC plan for the work needed at Borough Hall, all in favor, roll call vote, 7-0.

BOROUGH MANAGER'S REPORT: On motion duly made, seconded and passed, Council approved the Borough Manager's report of February 7, 2013.

Borough Manager Marti Hozey said that everything on her report has been covered except one item. She asked Council to approve Ordinance 1352-2013 which has been advertised. This ordinance will amend the intergovernmental cooperation agreement to permit the Wilson School District to settle disputed business privilege and mercantile taxes prior to the initiation of litigation.

ORDINANCE NO. 1352-2013:

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1, ENTITLED "ADMINISTRATION AND GOVERNMENT", PART 18, ENTITLED "INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE PURPOSE OF DELEGATING COLLECTION OF CERTAIN TAXES BY WILSON SCHOOL DISTRICT", SECTION 1803, ENTITLED "AGREEMENT" OF THE BOROUGH OF WYOMISSING CODE OF ORDINANCES TO AMEND THE INTERGOVERNMENTAL COOPERATION AGREEMENT TO PERMIT WILSON SCHOOL DISTRICT TO SETTLE ANY DISPUTED BUSINESS PRIVILEGE AND MERCANTILE TAXES PRIOR TO THE INITIATION OF LITIGATION.

Councilmember Moll made a motion, seconded by Councilmember Phelps to approve Ordinance #1352-2013, which allows the Wilson School District to settle disputed business privilege and mercantile taxes prior to the initiation of litigation, all in favor, 7-0.

TREASURER'S STATEMENT OF OPERATION: On motion duly made, seconded and passed, Council approved the Treasurer's Statement of Operation and all financial statements.

ACCOUNTS PAYABLE REPORT: On motion duly made, seconded and passed, Council approved the Accounts Payable Report outlining the following invoices paid:

General Fund	$	237,618.70
Street Maintenance Tax Fund		1,240.75
Water Fund		130,692.40
Sewer Fund		169,105.64
Refuse/Recycling Fund		56,717.42
Liquid Fuels Fund		24,617.37
Total of all Funds	$	619,992.28

TAX COLLECTOR'S REPORT: On motion duly made, seconded and passed, Council approved the Tax Collector's report for the month of January.

OTHER BUSINESS:

Council President Levering noted that the Council packets contained a report from Western Berks Water Authority and the Wyomissing Borough Public Works Department Year End Review.

The Borough Council meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Marti Heim-Hozey

Borough Manager/Secretary

Approved by:

Frederick C. Levering, President
Wyomissing Borough Council