

BOROUGH OF WYOMISSING – COUNCIL MINUTES

JUNE 13, 2023 – 7:00 P.M.

The Borough of Wyomissing Council held their regular meeting in the Borough of Wyomissing Council Chambers on the above date and time. Council President William S. Jenckes called the meeting to order at 7:00 p.m. with the following persons present: Stephen D. Brunner, Keith L. Derr, Frederick R. Mogel, Jana R. Barnett, Ronald C. Stanko, and David L. Reeser; Mayor Frederick C. Levering, Borough Solicitor Christopher Hartman, Borough Manager & Economic Development Coordinator Michele Bare, Borough Engineer Jim McCarthy, Police Chief John Phillips, Fire Chief Colin Hackman, Public Works Director James V. Babb, Recreation Director Pete Beck, and Borough Secretary Melissa Miller. The following person was absent: Treasurer Thomas Moll.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

EXECUTIVE SESSION:

Council President Jenckes stated that an Executive Session was held before the meeting for personnel matters and real estate matters.

VISITORS:

Adrian Jadic – 48 Cardinal Road
Jaime Baez – Johanny Cepeda-Freytiz

PUBLIC COMMENTS (agenda items):

No public comments provided.

PUBLIC HEARING FOR THE SHORT-TERM RENTAL ZONING ORDINANCE (Ordinance 1435-2023):

Borough Solicitor Chris Hartman called the hearing to order at 7:02 p.m. by providing an introduction to the process of the hearing, the purpose of the hearing, administrative procedures leading up to the hearing, and the presentation of the proposed Zoning Ordinance for Short-Term Rentals. The Ordinance amends the requirements for a short term residential rental unit; adding definitions for “bed and breakfast establishment, “boarding, rooming and lodging house”, and institutional residence; amending the recreation impact fee for projects developed under the Redevelopment Area Mixed Use Incentive Overlay District; establishing general regulations for the operation of a bed and breakfast establishment; and establishing regulations for a boarding, rooming and lodging house, as well as establishing Recreation Fee in-lieu of fees by Resolution.

PUBLIC COMMENTS:

No public comments were provided.

The Public Hearing for the Ordinance amendment to the Borough of Wyomissing Code of Ordinances adjourned at 7:06 p.m.

ORDINANCE NO. 1435-2023- AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF WYOMISSING, CHAPTER 27 ENTITLED “ZONING” TO AMEND THE DEFINITION OF “DWELLING”, ADD DEFINITIONS OF “BED AND BREAKFAST ESTABLISHMENT”, “BOARDING, ROOMING AND LODGING HOUSE”, AND “INSTITUTIONAL RESIDENCE”, TO CHANGE SHORT-TERM RESIDENTIAL RENTAL UNIT FROM A USE BY SPECIAL EXCEPTION TO A USE BY RIGHT IN THE R-1, R-1A, R-2, R-2A, AND R-3 RESIDENTIAL ZONING DISTRICTS, TO PROVIDE FOR BED AND BREAKFAST ESTABLISHMENT AND BOARDING, ROOMING AND LODGING HOUSE AS SPECIAL EXCEPTION USES IN THE C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND IN THE R-1, R-1A, R-2, R-2A, AND R-3 RESIDENTIAL ZONING DISTRICTS, TO AMEND THE GENERAL REGULATIONS FOR SHORT-TERM RESIDENTIAL RENTAL UNITS BY REMOVING REFERENCES TO ZONING HEARING BOARD APPROVAL, TO ADD NEW SECTIONS PROVIDING SUBSTANTIVE REGULATIONS FOR BED AND BREAKFAST ESTABLISHMENT AND BOARDING, ROOMING AND LODGING HOUSE USES, TO AMEND THE RECREATION IMPACT FEE REGULATION IN THE REDEVELOPMENT AREA MIXED USE INCENTIVE OVERLAY DISTRICT, AND TO AMEND SECTION 609, OFF-STREET PARKING, BY REVISING THE OFF-STREET PARKING REQUIREMENT FOR SHORT-TERM RESIDENTIAL RENTAL UNITS

Councilmember Barnett made a motion, seconded by Councilmember Mogel to adopt Ordinance No. 1435-2023 as related to the Zoning Ordinance, all in favor, 7-0.

COUNCIL MINUTES: On motion duly made, seconded and passed, Council approved the minutes of the May 9, 2023 Council meeting and June 7, 2023 Special Council meeting.

CONSULTING ENGINEER’S REPORT: On motion duly made, seconded and passed, Council approved the Consulting Engineer’s report dated June 6, 2023.

Borough Engineer Jim McCarthy indicated there was no further review of the report.

POLICE DEPARTMENT & MAYOR’S REPORT: On motion duly made, seconded and passed, Council approved the Police Department & Mayor’s report dated June 13, 2023.

Mayor Frederick Levering commended Police Chief John Phillips on his continued community outreach to provide active shooter trainings.

Police Chief John Phillips reviewed the report.

Councilmember Barnett thanked the Police Department for their continued kindness in the community, and going above and beyond the call of duty on many occasions.

FIRE CHIEF'S REPORT: On motion duly made, seconded and passed, Council approved the Fire Chief's report for May 2023.

Fire Chief Colin Hackman reviewed the report.

Council questioned the status of the Engine fire apparatus that required repairs during the last inspection. Chief Hackman shared that the Engine will remain out of service until the fuel tank is repaired. Due to the closing of the local KME plant, all products moved to other facilities and are currently being reorganized before further distribution occurs. Council also questioned how the average personnel per incident can be more than the amount of people on shift. Chief Hackman indicated that includes any assistance by Fire Police, and the presence of the Chief or Deputy Chief at an incident scene.

INFRASTRUCTURE COMMITTEE: On motion duly made, seconded and passed, Council approved the Infrastructure Committee report dated May 15, 2023.

Councilmember Brunner reviewed the report.

Councilmember Brunner made a motion, seconded by Councilmember Derr to authorize payment of Payment Application No. 1 in the amount of \$28,575.00 to Construction Masters Services LLC., for the 2023 Street Improvement project, all in favor, roll call vote, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Barnett to authorize Change Order No. 1 to approve the revised contract price of \$1,367,109.75 with Construction Masters Services, LLC., for the 2023 Street Improvement project, all in favor, roll call vote, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to authorize McCarthy Engineering to act on behalf of the Borough to prepare a letter to PennDOT in opposition of the proposed State Hill Road and Penn Avenue round about, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Barnett to authorize McCarthy Engineering to prepare and advertise bid documents for the Cambridge Avenue stream work project, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Barnett to authorize McCarthy Engineering to prepare and advertise bid documents for the Wyomissing Creek pedestrian bridge project, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Reeser to approve the trail blazing signage plan with the modification to include four "No Truck" signs, and to fund the project with the WAWA and VF North post traffic study improvement funds, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Barnett to authorize disbanding the Park and Shade Tree Commission, and merge the Commission functions into the Infrastructure committee, effective January 1, 2024, following all appropriate legal proceedings as determined by the Borough Solicitor, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Reeser to authorize advertisement of Ordinance No. 1436-2023 as related to repealing sections of the Borough Code related to the Park and Shade Tree Commission disbanding, all in favor, 7-0.

LIBRARY BOARD: On motion duly made, seconded and passed, Council approved the Library Board report dated May 15, 2023.

Councilmember Barnett reviewed the report.

Councilmember Barnett discussed that library programming continues to increase, however, circulation is slightly down. A Children's Librarian has been hired, and is a Borough resident who has worked at the library previously. Lastly, it was mentioned that the duck race fundraiser will occur during the July 4th festivities.

RECREATION BOARD: On motion duly made, seconded and passed, Council approved the Recreation Board report dated May 16, 2023.

Councilmember Barnett and Recreation Director Pete Beck reviewed the report.

Recreation Director Pete Beck indicated that the Memorial Day parade and ceremonies went well, as did the Boy Scouts' chicken barbeque. The Wyomissing Band concert was also successful, and all Summer programming has been off to a good start. Due to the smoke conditions earlier this month, the pool closed for a day and a half to ensure the safety of the staff and pool goers. Related to the pool, the concession stand will open on Saturday, June 17, 2023 and will be run by an established external concessions operation. As noted in the Recreation Board minutes, the Happy Hollow basketball courts were closed for a period of time due to various noise and littering complaints. The courts have since been opened, and unfortunately the noise, littering, and vandalism have occurred again.

FIRE AND POLICE COMMITTEE: On motion duly made, seconded and passed, Council approved the Fire and Police Committee report dated May 22, 2023.

Councilmember Jenckes reviewed the report.

Councilmember Jenckes made a motion, seconded by Councilmember Stanko to authorize the Police Chief and Public Works Director to move the BARTA bus sign currently located 60 feet from the Lake and Penn Avenue intersection, to approximately 30 feet from the intersection to enhance the motorist's line of sight entering onto Penn Avenue from Lake Avenue, all in favor 7-0.

Councilmember Jenckes made a motion, seconded by Councilmember Stanko to authorize the installation of reflective traffic signal backplates at 8th and Penn Avenues, for a total cost of

\$2,768 with Wyomissing and West Reading Boroughs each contributing \$1,384, all in favor, roll call vote, 7-0.

ECONOMIC DEVELOPMENT: On motion duly made, seconded and passed, Council approved the Economic Development committee report dated May 25, 2023.

Mayor Frederick Levering reviewed the report.

Mayor Levering shared that Mark Ratcliffe, West Reading Main Street Manager will be presenting during the June Economic Development committee meeting.

PLANNING COMMISSION: On motion duly made, seconded and passed, Council approved the Planning Commission report dated June 5, 2023.

Councilmember Stanko reviewed the report.

Councilmember Derr made a motion, seconded by Councilmember Barnett to grant the waiver of the Subdivision and Land Development formal land development requirements for 1001-1015 Penn Avenue, contingent upon the review comments in McCarthy Engineering's review letter dated June 1, 2023, all in favor, 7-0.

Councilmember Mogel made a motion, seconded by Councilmember Barnett to grant the Windsor Street subdivision waiver request from Section 305(b)(21) of the Borough's Stormwater Management Ordinance for additional infiltration testing, as severely compacted soils found by soil testing professionals on-site performing soil probes, are limiting additional infiltration tests, all in favor, 7-0.

Councilmember Barnett made a motion, seconded by Councilmember Mogel to grant the Windsor Street subdivision waiver request from Section 310(b)(8) of the Borough's Stormwater Management Ordinance to allow a 4 inch diameter outlet pipe instead of a 15 inch diameter pipe which would exceed the height of the curb at the outlet point, all in favor, 7-0.

Councilmember Mogel made a motion, seconded by Councilmember Barnett to accept the 90-day extension letter received for the Windsor Street subdivision through September 11, 2023, for the Borough of Wyomissing Planning Commission to take action on the submitted plans, all in favor, 7-0.

Councilmember Barnett made a motion, seconded by Councilmember Mogel to grant conditional final plan approval for the Windsor Street subdivision plan conditioned upon the remaining review comments in the McCarthy Engineering review letter dated June 1, 2023, all in favor, 7-0.

Councilmember Barnett made a motion, seconded by Councilmember Brunner to table the Planning Commission meeting date change from Monday, July 3, 2023 to Wednesday, July 5, 2023 if there are any planning related submissions received. Since no planning related submissions occurred, the meeting will be cancelled, all in favor, 7-0.

FINANCE & ADMINISTRATION COMMITTEE: On motion duly made, seconded and passed, Council approved the Finance and Administration Committee report dated June 7, 2023.

Councilmember Derr reviewed the report.

Councilmember Derr made a motion, seconded by Councilmember Stanko to authorize payment of the 2023 second quarter MMO contribution in the amount of \$69,242.75, all in favor, roll call vote, 7-0.

Councilmember Derr made a motion, seconded by Councilmember Mogel to authorize payment of the final invoice received from Telco, Inc. in the amount of \$39,655.50 for the Green Light Go project, all in favor, roll call vote, 7-0.

Councilmember Derr made a motion, seconded by Councilmember Mogel to authorize the Borough Manager to send the appraisals of 555/575 Van Reed Road and 1011 North Park Road, to their respective owners to review and determine their interest in future property sale discussions with the Borough, all in favor, 7-0.

Councilmember Derr made a motion, seconded by Councilmember Brunner to authorize to the decision made during the June 2023 Finance and Administration committee meeting to enter an agreement with Full Service Concessions to operate and manage the pool snack bar under the executed lease agreement, all in favor, 7-0.

Councilmember Derr made a motion, seconded by Councilmember Brunner to reduce the Borough Hall public hours from 7:30 am – 4:30 pm, to 9:00 am – 3:00 pm effective June 19, 2023, with the entrance being open during all public meeting, and personnel still working their regularly scheduled hours, all in favor, 7-0.

BOROUGH MANAGER'S REPORT: On motion duly made, seconded and passed, Council approved the Borough Manager's report dated June 13, 2023.

Borough Manager & Economic Development Coordinator Michele Bare indicated that the Joint Municipal Authority meeting minutes were not received, and the Western Berks Water Authority meeting minutes for May 2023 were distributed.

Michele shared that the Civil Service Commission approved certification of Kyle Niedermeyer as the sole remaining applicant on the certified list of applicants for the position of Police Officer with the Wyomissing Police Department. A copy of the letter signed by Jeremiah Sensenig was enclosed in the Council packet.

Councilmember Mogel made a motion, seconded by Councilmember Brunner to authorize the commencement of the examination process for the position of Police Officer with the Wyomissing Police Department, all in favor, 7-0.

Councilmember Barnett made a motion, seconded by Councilmember Brunner to approve the amendments to the Wyomissing Borough Police Civil Service Rules and Regulations as contained in the redlined version of the amendments prepared by Solicitor Hartman’s office, all in favor, 7-0.

Councilmember Barnett made a motion, seconded by Councilmember Stanko to authorize commencement of the examination process for the positions of Sergeant and Lieutenant with the Wyomissing Police Department, all in favor, 7-0.

RESOLUTION NO. 2023-16- A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, APPOINTING ANDERSON DEUTSCHMAN OF McARTHUR ENGINEERING ASSOCIATES, INC. AS THE ZONING OFFICER FOR COMMERCIAL ZONING AND MICHELE BARE AS THE ALTERNATE ZONING OFFICER FOR COMMERCIAL ZONING

Councilmember Stanko made a motion, seconded by Councilmember Barnett to adopt Resolution No. 2023-16, appointing Anderson Deutschman from McCarthy Engineering as the primary commercial Zoning Officer and the Borough Manager as the alternate commercial Zoning Officer, all in favor, 7-0.

Councilmember Barnett made a motion, seconded by Councilmember Mogel to accept the 90-day extension letter received for 521 Van Reed Road through September 13, 2023, for the Borough of Wyomissing Planning Commission to take action on the submitted plans, all in favor, 7-0.

Borough Manager Bare lastly reminded Council that Borough Hall will be closed Monday and Tuesday July 3 and 4, 2023 due to the Independence Day holiday.

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

Due to the Treasurer’s absence, there was no further review of the report.

ACCOUNTS PAYABLE: Councilmember Barnett made a motion, seconded by Councilmember Reeser to ratify and approve the Accounts Payables report for May 2023, all in favor, roll call vote, 7-0.

General Fund	\$ 1,013,704.69
Water Fund	382,337.27
Sewer Fund	106,073.32
Refuse Fund	246,114.58
Liquid Fuels Fund	<u>23,651.55</u>
	\$ 1,771,881.41

TAX COLLECTOR'S REPORT: On motion duly made, seconded and passed, Council approved the Tax Collector's report for the Month of May 2023.

Due to the Tax Collector's absence, there was no further review of the report.

OLD BUSINESS:

No old business to discuss.

NEW BUSINESS:

No new business to discuss.

PUBLIC COMMENT (non-agenda items):

Jaime Baez of Representative Johanny Cepeda-Freytiz's office indicated that the office is available to provide assistance to the Council and public, and provided informational brochures about available services. Council asked that Johanny be thanked for taking the time to tour the various Borough facilities a few weeks ago.

The Wyomissing Borough Council meeting adjourned at 8:03 p.m.

Respectfully Submitted,

Melissa Miller
Borough Secretary

Approved by:

William S. Jenckes
President, Wyomissing Borough Council