

BOROUGH OF WYOMISSING – COUNCIL MINUTES

APRIL 13, 2021 – 6:30 P.M.

The Borough of Wyomissing Council held their regular meeting via a recorded Zoom video/conference call platform on the above date and time. Council President Thomas M. Moll called the meeting to order at 6:30 p.m. with the following persons present: Council Members Thomas M. Bausher, John C. Woodward, Stephen D. Brunner William S. Jenckes, Jody W. Menon, and Keith L. Derr; Mayor Frederick C. Levering, Treasurer Gregory L. Portner, Borough Solicitor Christopher J. Hartman, Borough Engineer Jim McCarthy, Police Chief John Phillips, Borough Manager Pat Brandenburg, Assistant Borough Manager & Economic Development Coordinator Michele Bare, Public Works Director James V. Babb, Interim Parks and Recreation Director Dan Macrina, and Borough Secretary Melissa Miller.

CALL TO ORDER

Council President Moll announced an executive session was held before the meeting to discuss personnel matters.

PLEDGE OF ALLEGIANCE

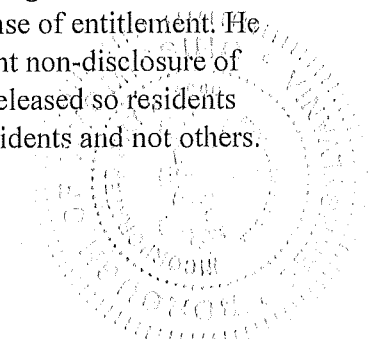
ROLL CALL

VISITORS:

Richard Karstien – Police Sergeant  
Adrian Jadic – Borough Resident  
John Cullen – Borough Resident  
Shane Paisley – Borough Resident  
Jen Reimer – Borough Resident  
Linda Welsh – Borough Resident  
Paul Stanton – Borough Resident  
Barb Reeser – Borough Resident  
Chris McLean – FLB  
Andy Golubitsky– Lockwood/ Veteran’s Service USA  
Justin Jabara– Meyer Jabara Hotels  
Bill Meyer– Meyer Jabara Hotels

PUBLIC COMMENTS:

Adrian Jadic, 48 Cardinal Road claimed the Borough has a lack of ethics and accountability. He did not appreciate the question asked during the April Finance and Administration committee meeting by Mr. Woodward in regards to Borough finances, to the paid Borough contractor. He felt the response could be used as political ammunition, and portrayed a sense of entitlement. He further indicated the Borough is spending excess money in legal fees to fight non-disclosure of public records. He indicated the release of Notices of Violation should be released so residents can hold the Borough accountable to ensure they are not targeting some residents and not others.



Linda Welsh, Tennis Park Condominiums, indicated the initial parking request to park along Cambridge Avenue for a week while the complex's driveway is being redone, was too short of a time period, and she requested Council consider allowing parking along Cambridge Avenue for a total of two to three weeks.

PUBLIC HEARING FOR THE BOROUGH OF WYOMISSING ZONING ORDINANCE AMENDMENTS (Ordinance 1417-2021):

Borough Solicitor, Chris Hartman called the hearing to order at 6:36 p.m. by providing an introduction to the process of the hearing, the purpose of the hearing, and the presentation of the proposed Ordinance amendment to the Borough Zoning Ordinance. He further indicated the amendment is for use provisions of the C-2 retail commercial district. This Ordinance will add a new use by right for a hotel, age restricted housing, and adult daycare, and the property will remain on the tax records. The complex is currently zoned for a hotel, however the amendment allows for mixed use. The amendment has been approved by the Borough Planning Commission as well as the Berks County Planning Commission, and has been advertised per the Sunshine Act requirements.

PUBLIC COMMENTS:

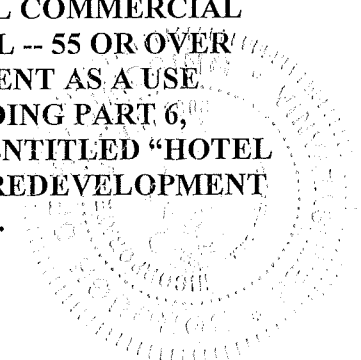
Gregory Portner, 35 Buckingham Drive asked if the Ordinance amendment limits the housing to veterans and the 55+ population, and if the amendment has income limitations. Borough Solicitor Christopher Hartman indicated the Ordinance amendment does not specify limitations on income, nor does it specify veteran or non-veteran status. That will be up to the property management to decide.

Adrian Jadic, 48 Cardinal Road feels the Borough did not look at all options before settling on this type of use. He feels the Borough has not prepared a long-range plan for this property. He does not feel this is the best use for the property in the sense of economic development. Councilmember Derr indicated the project came to fruition due to a deteriorating market, and to not allow the property to further deteriorate.

The Public Hearing for the Ordinance amendment to the Borough of Wyomissing Zoning Ordinance adjourned at 6:49 p.m.

**ORDINANCE NO. 1417-2021**

**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", BY AMENDING PART 5 ENTITLED "COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS", SECTION 512, USES PERMITTED BY RIGHT IN THE C-2 RETAIL COMMERCIAL DISTRICT, TO ADD A NEW SUBSECTION R, TO PERMIT HOTEL -- 55 OR OVER APARTMENT -- ADULT DAY CARE MIXED USE REDEVELOPMENT AS A USE PERMITTED BY RIGHT IN THE C-2 DISTRICT, AND BY AMENDING PART 6, GENERAL REGULATIONS, BY ADDING A NEW SECTION 627, ENTITLED "HOTEL -- 55 OR OVER APARTMENT -- ADULT DAY CARE MIXED USE REDEVELOPMENT REGULATIONS", TO PROVIDE REGULATIONS FOR SUCH USE.**



Councilmember Woodward made a motion, seconded by Councilmember Jenckes to adopt Ordinance No. 1417-2021, as to uses permitted by right in the C-2 Zoning District, all in favor, 7-0.

PUBLIC HEARING FOR THE BOROUGH OF WYOMISSING ZONING ORDINANCE AMENDMENTS (Ordinance 1418-2021):

Borough Solicitor, Chris Hartman called the hearing to order at 6:50 p.m. by providing an introduction to the process of the hearing, the purpose of the hearing, and the presentation of the proposed Ordinance amendment to the Borough Zoning Ordinance. He further indicated the purpose of the amendment is to provide aesthetics for small wireless communication facilities that may be mounted on Borough owned buildings and poles to provide more connectivity for the community. When the applicant completes a permit, they must provide a rendering of how the wireless communication facility will appear on the proposed site. The amendment has been approved by the Borough Planning Commission as well as the Berks County Planning Commission, and has been advertised per the Sunshine Act requirements.

PUBLIC COMMENTS:

Adrian Jadic, 48 Cardinal Road questioned which cellular provider made the initial request and what kind of precedents this sets for the rest of the carriers. Assistant Borough Manager & Economic Development Coordinator Michele Bare, responded by indicating it was Verizon who reached out to the Borough, and by federal and state regulations, the Borough cannot deny a request to place a WCF in the Borough, they can only control the aesthetics.

The Public Hearing for the Ordinance amendment to the Borough of Wyomissing Zoning Ordinance adjourned at 6:56 p.m.

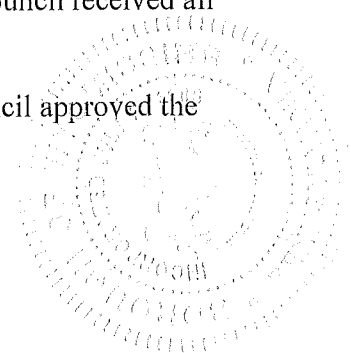
**ORDINANCE NO. 1418-2021**

**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" BY AMENDING SECTION 623, REGARDING WIRELESS COMMUNICATIONS FACILITIES, TO ESTABLISH AESTHETIC STANDARDS FOR SMALL WIRELESS COMMUNICATIONS FACILITIES.**

Councilmember Derr made a motion, seconded by Councilmember Menon to adopt Ordinance No. 1418-2021, as to Wireless Communication Facilities aesthetics, all in favor, 7-0.

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 meeting of March 9, 2021.



CONSULTING ENGINEER'S REPORT: On motion duly made, seconded and passed, Council approved the Consulting Engineer's report dated April 7, 2021.

Borough Engineer Jim McCarthy reviewed his report.

Jim McCarthy noted the Fourth Street project is progressing very well.

Jim McCarthy further explained to Council that a grant opportunity from DCNR and DEP for Flood Mitigation and Watershed Restoration is available. He suggested using this grant to fund the proposed \$1,200,000 culvert pipe relining project in the Lincoln/Brandywine area, to help extend the life-span of the pipe. The grant application must be submitted within 45 days, however, grant awarding will not take place until the end of 2021. If the Borough is awarded the funds, the funds must be spent within one to three years, thus giving the Borough time to budget for the 15% match, which is \$200,000.

Councilmember Brunner made a motion, seconded by Councilmember Woodward to approve applying for the DCNR and DEP Flood Mitigation and Watershed Restoration grant. If awarded, the Borough will use the time extension to budget for the 15% match, and if the funds are not needed, the Borough is eligible to decline funding, all in favor, roll call vote, 7-0.

POLICE DEPARTMENT & MAYOR'S REPORT: On motion duly made, seconded and passed, Council approved the Police Department & Mayor's report dated April 13, 2021.

Sergeant John Phillips reviewed the report.

FIRE COMMISSIONER'S REPORT: On motion duly made, seconded and passed, Council approved the Fire Commissioner's report for March 2021.

Councilmember Jenckes reviewed the report.

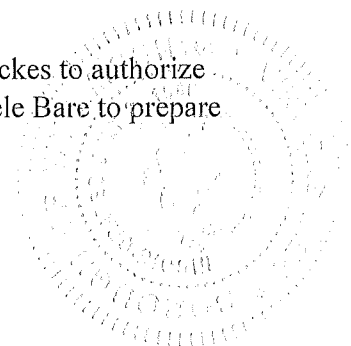
INFRASTRUCTURE COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Infrastructure Committee report dated March 15, 2021.

Councilmember Bausher reviewed the report.

Councilmember Bausher made a motion, seconded by Councilmember Jenckes to approve payment of Payment Application No. 2, in the amount of \$9,691.06, to Mr. Rehab, LLC., for sanitary sewer rehabilitation and televising work, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Menon to approve payment of Payment Application No. 5, in the amount of \$6,447.86, to Barwis Construction, for the Fourth Street project, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Jenckes to authorize Assistant Borough Manager & Economic Development Coordinator Michele Bare to prepare RFP's for engineering services, all in favor, 7-0.



Councilmember Bausher made a motion, seconded by Councilmember Brunner to authorize Borough Manager Pat Brandenburg to execute the change order to reschedule the Borough hall window renovation project from 2021 to 2022, all in favor, 7-0.

Councilmember Bausher made a motion, seconded by Council member Brunner to approve the proposed pathway project to replace the stairs above the Wyomissing swimming pool, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Council member Jenckes to approve the proposed bollard project at the Berkshire Heights Playground, all in favor, roll call vote, 7-0.

LIBRARY BOARD REPORT: On motion duly made, seconded and passed, Council approved the Library Board report dated March 15, 2021.

Councilmember Menon reviewed the report.

Councilmember Menon indicated the library approved the settlement agreement with the roofing company, and Council with further execute.

Councilmember Menon also indicated the library will be looking for different fundraising opportunities, but has several upcoming fundraisers planned.

PERSONNEL COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Personnel Committee report dated March 16, 2021.

Councilmember Bausher reviewed the report.

Councilmember Bausher made a motion, seconded by Councilmember Brunner to approve the hiring of two full-time personnel for the Parks department, one full-time person for the Tree department, to fill vacancies and prepare for retirements, and eliminate one part-time Summer position, all in favor, 7-0.

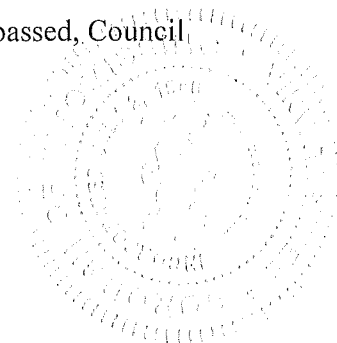
Councilmember Bausher made a motion, seconded by Councilmember Brunner to approve the promotion of Dan Macrina from Interim Parks and Recreation Director, to Parks and Recreation Director, all in favor, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Menon to approve the extension of the Maintenance and Parks collective bargaining agreement until 2022, all in favor, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Jenckes to authorize the Civil Service Commission to certify a list of candidates for the Police department Patrol position, all in favor, 7-0.

RECREATION BOARD REPORT: On motion duly made, seconded and passed, Council approved the Recreation Board report dated March 16, 2021.

Councilmember Brunner reviewed the report.



Councilmember Brunner made a motion, seconded by Councilmember Menon to approve the following events for the 4<sup>th</sup> of July: Firecracker run to be held in the parklands following CDC guidelines, house and block decorating contest and judging, and bike and scooter decorating contest and judging, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Woodward to approve moving the June 2021 Movie/Concert in the Park events to August or September, and to further adhere to CDC and PRPS guidelines, hold all of the Movies/Concerts in the Park within the pool grounds so one entry/exit point is utilized, all in favor, 7-0.

FIRE AND POLICE COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Fire and Police Committee report dated March 29, 2021.

Councilmember Jenckes reviewed the report.

Councilmember Jenckes made a motion, seconded by Councilmember Bausher to approve the Tennis Park Condominium's parking request as a special event, and to allow residents to park along Cambridge Avenue, on the side of the condo buildings, for a duration of a week; Sunday through Friday while the parking lot is being redone. Upon public comment from the representative of the Tennis Park Condominiums, Council will extend the parking duration to two weeks or more, weather dependent, all in favor, 7-0.

Councilmember Jenckes made a motion, seconded by Councilmember Bausher to approve the purchase of the budgeted Supervisor's vehicle for the Police Department, all in favor, roll call vote, 7-0.

Councilmember Jenckes made a motion, seconded by Councilmember Bausher to approve the training expenditure for Sergeant Karstien for a training in October, all in favor, 7-0.

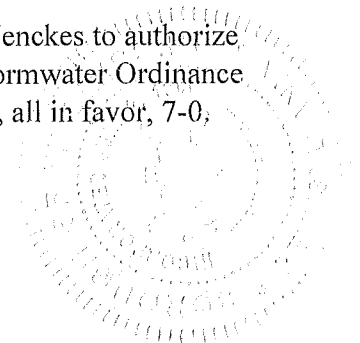
Councilmember Jenckes made a motion, seconded by Councilmember Bausher to approve the purchase of the necessary quantities of bulletproof vests at a cost of \$21,442.40, and further submitting for the grant reimbursement of \$8,000, all in favor, roll call vote, 7-0.

Councilmember Jenckes made a motion, seconded by Councilmember Bausher to approve the Bradley Mayer run in the parklands on August 14, 2021 from 9 am to noon, contingent upon the submission of a COVID response plan to the Borough, all in favor, 7-0.

PLANNING COMMISSION REPORT: On motion duly made, seconded and passed, Council approved the Planning Commission report dated April 5, 2021.

Councilmember Woodward reviewed the report.

Councilmember Woodward made a motion, seconded by Councilmember Jenckes to authorize Borough Solicitor Christopher Hartman to prepare a draft Small Project Stormwater Ordinance to incorporate the proposed recommendations from McCarthy Engineering, all in favor, 7-0,



FINANCE AND ADMINISTRATION COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Finance and Administration Committee report dated April 8, 2021.

Councilmember Brunner reviewed the report.

Councilmember Brunner made a motion, seconded by Councilmember Menon to approve placing the Real Estate Transfer Tax funds received from the sale of the Equus property, into reserves, to fund unbudgeted items, all in favor, 7-0.

**RESOLUTION NO. 2021-06**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA TO TEMPORARILY EXTEND THE DEADLINE FOR FILING MERCANTILE AND BUSINESS PRIVILEGE TAX ANNUAL 2020 FINAL AND 2021 ESTIMATED RETURN DEADLINE OF APRIL 15, 2021 FOR THIRTY-TWO DAYS FOR BOTH FILING THE TAX RETURN AND PAYING THE TAX UNTIL MAY 17, 2021**

Councilmember Brunner made a motion, seconded by Councilmember Jenckes to approve Resolution No. 2021-06, temporarily extending the deadline for filing mercantile and business privilege tax from April 15<sup>th</sup> to May 17<sup>th</sup>, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Bausher to approve the audit completed by Herbein & Company for the financial year 2020, all in favor, 7-0.

BOROUGH MANAGER'S REPORT: On motion duly made, seconded and passed, Council approved the Borough Manager's report dated April 13, 2021.

Borough Manager Pat Brandenburg reviewed his report.

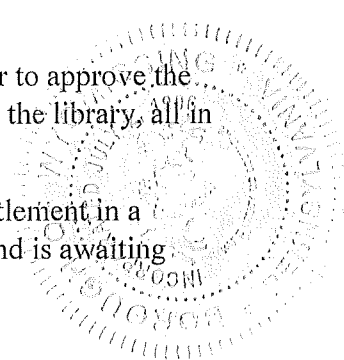
Borough Manager Brandenburg indicated Pennsylvania American Water has provided a revised agreement for water shut-offs for the Borough to implement for PA American Water consumers.

Councilmember Bausher made a motion, seconded by Councilmember Brunner to approve the revised PA American Water Shut-Off agreement, all in favor, 7-0.

Borough Manager Brandenburg shared with Council that a settlement agreement and mutual release for the roofing company utilized at the library, has been signed by the library and is awaiting Council's approval.

Councilmember Bausher made a motion, seconded by Councilmember Derr to approve the settlement agreement and mutual release of the roofing company utilized at the library, all in favor, 7-0.

Borough Manager Brandenburg noted that the Borough is a recipient of settlement in a Stipulated Settlement Judgement and Order of Court for 24 Valley Road, and is awaiting Council's approval.



Councilmember Jenckes made a motion, seconded by Councilmember Menon to approve the Stipulated Settlement Judgement and Order of Court for 24 Valley Road, all in favor, 7-0.

Borough Manager Brandenburg also indicated that several letters of support for the Borough to receive the RAC-P grant for the Public Works Facility, have been drafted by various politicians.

Borough Engineer Jim McCarthy explained to Council that a \$2,000,000 grant is available from Representative Chrissy Houlahan's office. If the Borough is awarded the grant, it could be used towards the match funding for the RAC-P grant if the Borough is awarded the RAC-P grant. Upon receipt of the grant from Representative Houlahan's office, the recipient must have a project that has obtained all requirements for construction, and is ready to be constructed. To have a project that is ready for construction upon receipt of the grant, the Borough will need to seek architectural, mechanical, and structural engineering services, HVAC, electrical, plumbing, and fire protection design services, site surveying services, and it was recommended to have construction management services. The cost to provide all of the services to get the project ready for construction is \$163,000. If the Borough goes through with spending the \$163,000 and would not receive the funding now, the plans provided by the aforementioned services, are typically relevant for 5-7 years, of which the Borough would be ready in the future to break ground.

Councilmember Brunner made a motion, seconded by Councilmember Woodward to authorize Burkey Construction to provide construction management services for preconstruction, design, and bidding services in the amount of \$163,000, for the Public Works Facility project, all in favor, roll call vote, 7-0.

Councilmember Derr made a motion, seconded by Councilmember Brunner to approve placing \$165,000 of the Real Estate Transfer Tax funds received from the sale of the Equus property, into reserves, to fund construction management services from Burkey Construction, for the Public Works Facility project, all in favor, 7-0.

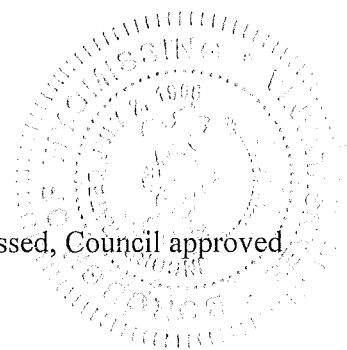
TREASURER'S STATEMENT OF OPERATIONS: On motion duly made, seconded and passed, Council approved the Treasurer's Statement of Operation and all financial statements.

Borough Treasurer Gregory Portner reviewed the report.

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

General Fund	\$ 434,530.03
Water Fund	75,348.53
Sewer Fund	167,235.78
Refuse Fund	66,999.23
Liquid Fuels Fund	<u>29,403.77</u>
	\$ 773,517.34

TAX COLLECTOR'S REPORT: On motion duly made, seconded and passed, Council approved the Tax Collector's report for the month of March 2021.



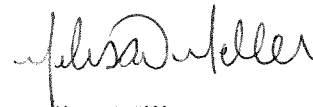


OTHER:

Councilmember Jenckes acknowledge Mary Ann Reardon for her work organizing another successful trash clean-up event along the 422 service road, and also thanked the 60 volunteers that assisted with the clean-up efforts.

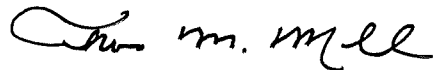
The Wyomissing Borough Council meeting adjourned at 8:32 p.m.

Respectfully Submitted,



Melissa Miller  
Borough Secretary

Approved by:



Thomas M. Moll, President  
Wyomissing Borough Council

