

BOROUGH OF WYOMISSING – COUNCIL MINUTES

MAY 11, 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, Police Chief John Phillips, Assistant Borough Manager & Economic Development Coordinator Michele Bare, Public Works Director James V. Babb, Parks and Recreation Director Dan Macrina, and Borough Secretary Melissa Miller. The following person was absent: Borough Manager Pat Brandenburg.

CALL TO ORDER

Council President Moll announced an executive session was held before the meeting to discuss personnel matters, contractual matters, and potential litigation.

PLEDGE OF ALLEGIANCE

ROLL CALL

VISITORS:

Jim McCarthy – Borough Engineer
Adrian Jadic – Borough Resident
John Cullen – Borough Resident
Jen Reimer – Borough Resident
David Reeser – Borough Resident

PUBLIC COMMENTS:

Adrian Jadic, 48 Cardinal Road provided a voice recording of a political comment that occurred before the start of a committee meeting. He feels this comment was bullying and verbal abuse.

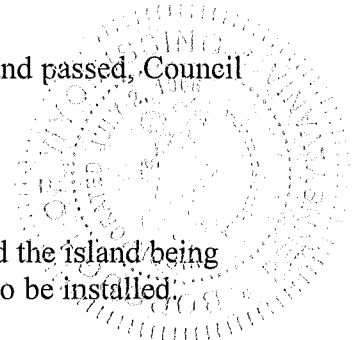
RECEIPT OF REPORTS: On motion duly made, seconded and passed, Council received all reports submitted for consideration.

COUNCIL MINUTES: On motion duly made, seconded and passed, Council approved the minutes of the meeting of April 13, 2021.

CONSULTING ENGINEER'S REPORT: On motion duly made, seconded and passed, Council approved the Consulting Engineer's report dated May 5, 2021.

Borough Engineer Jim McCarthy reviewed his report.

Jim McCarthy noted the Fourth Street project is progressing with curbing and the island being poured on Wyomissing Boulevard, and signage and sharrows are beginning to be installed.



Jim McCarthy also indicated the Flood Mitigation grant the Borough will be applying for, has a maximum award of \$500,000. The proposed culvert pipe relining project in the Lincoln/Brandywine area is \$1,200,000. The Infrastructure committee discussed that half of the pipe could get relined using awarded dollars this year, and apply for further grant funding next year.

RESOLUTION NO. 2021-09

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING ACTIONS RELATING TO RECEIVING A FLOOD MITIGATION PROGRAM GRANT FOR THE IMPLEMENTING OF THE LINCOLN AND BRANDYWINE FLOODPLAIN MITIGATION PROJECT

Councilmember Woodward made a motion, seconded by Councilmember Jenckes to adopt Resolution No. 2021-09, authorizing actions related to receiving a Flood Mitigation and Program grant, all in favor, 7-0.

POLICE DEPARTMENT & MAYOR'S REPORT: On motion duly made, seconded and passed, Council approved the Police Department & Mayor's report dated May 11, 2021.

Mayor Frederick Levering and Chief John Phillips provided commendations to Officer Ney for her work performed in West Reading with a suicidal subject, and indicated a Live Saving Award will be issued to her.

Mayor Levering and Chief Phillips also acknowledged the retirement of Officer Garipoli, and commended him on his years of service to the Borough.

Chief John Phillips reviewed the report.

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

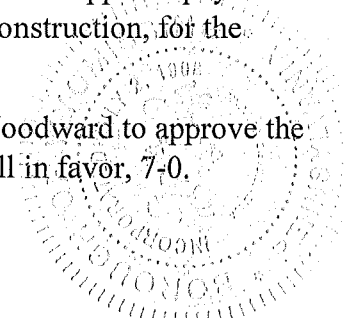
Councilmember Jenckes reviewed the report.

INFRASTRUCTURE COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Infrastructure Committee report dated April 19, 2021.

Councilmember Bausher reviewed the report.

Councilmember Bausher made a motion, seconded by Councilmember Derr to approve payment of Payment Application No. 6, in the amount of \$165,772.17 to Barwis Construction, for the Fourth Street project, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Woodward to approve the revised Wyomissing School District Woodland Road Signal agreement, all in favor, 7-0.



LIBRARY BOARD REPORT: On motion duly made, seconded and passed, Council approved the Library Board report dated April 19, 2021.

Councilmember Menon reviewed the report.

Councilmember Menon indicated a welcome flyer has been prepared and will be distributed to new residents to provide them with information about the library. She also noted the open Board positions have been filled, and operating hours have increased.

Councilmember Menon indicated the Library will be hiring a new Children's Librarian.

Councilmember Menon lastly noted the Derby Party was a successful fundraiser this year, and the Library is planning several more fundraisers including a 5K.

PERSONNEL COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Personnel Committee report dated April 20, 2021.

Councilmember Bausher reviewed the report.

Councilmember Bausher made a motion, seconded by Councilmember Jenckes to approve hiring the top two candidates, Brandon Morris and Alexander Burd, from the certified Civil Service Commission list of candidates for the Police Department Patrol positions. All psychological testing, drug and alcohol screenings, and standardized polygraph testing have been completed for both candidates, all in favor, 7-0.

RECREATION BOARD REPORT: On motion duly made, seconded and passed, Council approved the Recreation Board report dated April 20, 2021.

Councilmember Brunner reviewed the report.

Councilmember Brunner made a motion, seconded by Councilmember Menon to approve volunteer participation for the 2021 Summer Playground program, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Bausher to approve the 2021 Summer tennis lesson program at the Borough tennis courts, following CDC guidelines, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Bausher accept the \$242 donation from the Kraines/Hoffman Charitable Fund of the Berks County Community Foundation for park trail maintenance, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Woodward to authorize the full operation of the playground program as it was pre-COVID but with the following safety enhancements: Participants will be separated into two groups and will be assigned one of two drop-off and pick-up locations. There will also be regular cleaning and sanitizing of all facilities by staff. The program is subject to participants wearing masks and adhering to any future guidelines or regulations enacted by the Commonwealth of Pennsylvania, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Jenckes to authorize the full operation of the pool and snack bar as it was pre-COVID but with the following safety

enhancements: 2020 procedures will be followed Memorial Day Weekend until the new guidelines take effect May 31st, advanced reservations will not be required after May 31st, and the pool and snack bar will operate on a full schedule. Snack bar, pool house, and restroom facilities will be off-limits from 3:00 PM-3:30 PM for cleaning and disinfecting. Note: Patrons will NOT need to leave the pool during this time, and acrylic guards will be installed at the pool front desk and snack bar windows by B&G Glass for \$1,677.62. The pool is subject to participants wearing masks and adhering to any future guidelines or regulations enacted by the Commonwealth of Pennsylvania, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Bausher to authorize Concerts in the Park and Movies in the Park as they were provided pre-COVID under the following safety enhancement: Cleaning and disinfecting will occur before and after each event and during each event if applicable. The events are subject to participants wearing masks and adhering to any future guidelines or regulations enacted by the Commonwealth of Pennsylvania, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Jenckes to authorize the planning and execution of the Borough's annual July 4th Celebration. Borough staff and Recreation Board members will make every attempt to accomplish all tasks necessary to make the parade and post-parade event successful. The event is subject to participants wearing masks and adhering to any future guidelines or regulations enacted by the Commonwealth of Pennsylvania, all in favor, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Bausher to authorize the opening of Borough rental facilities, such as the Stone House, Happy Hollow Playground pavilion and Wyomissing Hills playground pavilion, as allowed pre-COVID with expanded cleaning and sanitizing by Borough staff, all in favor, 7-0.

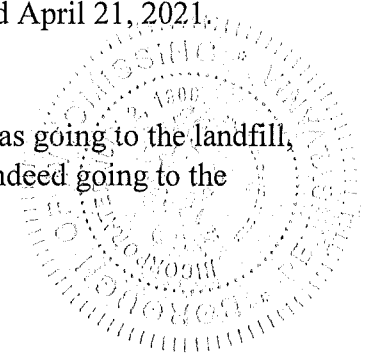
Councilmember Brunner made a motion, seconded by Councilmember Menon to authorize the Wyomissing Soccer and Baseball programs to utilize and rent out the respective sports fields and concession stands at the quarry soccer field and Berkshire Heights baseball field, conditional upon the organization cleaning and sanitizing their respective facilities, all in favor, 7-0.

Council President Moll complimented the Recreation Board and Parks and Recreation Director Dan Macrina for their efforts in gathering information, and preparing to resume 2021 recreation events following CDC guidelines.

REFUSE AND RECYCLING COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Refuse & Recycling Committee report dated April 21, 2021.

Councilmember Jenckes reviewed the report.

Councilmember Jenckes provided follow up to a concern that recycling was going to the landfill, and indicated as per a phone conversation with JP Mascaro, recycling is indeed going to the recycling facility.



FIRE AND POLICE COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Fire and Police Committee report dated April 26, 2021.

Councilmember Jenckes reviewed the report.

Councilmember Jenckes made a motion, seconded by Councilmember Menon to approve the Library 5K for June 12, 2021, contingent upon the submission of their COVID response plan, all in favor, 7-0.

Councilmember Jenckes made a motion, seconded by Councilmember Menon to approve the Safe Berks event for June 19, 2021, contingent upon the completion of an operational permit and inspection for the temporary tent, and the submission of their COVID response plan.

Furthermore, the committee recommends waiving the operational permit fee, all in favor, 7-0.

Councilmember shared with Council that an amendment to the current Ordinance for the fire and police false alarm system billing is necessary to clarify that false alarm charges will be calculated on an annual review basis, beginning with the second false alarm, and also clarify the collection procedures. Furthermore, the committee discussed amending the Fee Schedule Resolution to allow one free false alarm, and begin billing for the second and subsequent false alarms at \$50 for the second false alarm, \$100 for the third false alarm, and \$200 each for four or more false alarms.

ORDINANCE NO. 1420-2021

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WYOMISSING, CHAPTER 13 ENTITLED "LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS", PART 1 ENTITLED "FIRE AND POLICE ALARM SYSTEMS", SECTION 105 ENTITLED "PENALTIES", LETTER D TO PROVIDE FOR A FEE UPON THE OCCURRENCE OF A SECOND FALSE ALARM AND TO ADD SECTION 112 TO BE ENTITLED "COLLECTION OF FEES" TO PROVIDE THE METHOD FOR RECOVERY OF FEES FOR FALSE ALARMS.

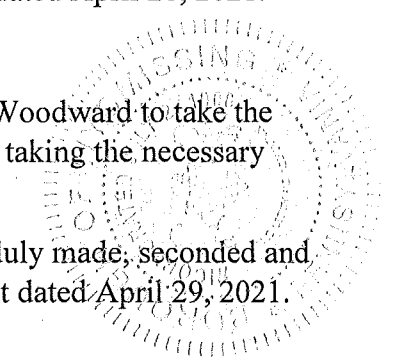
Councilmember Jenckes made a motion, seconded by Councilmember Bausher to advertise Ordinance No. 1420-2021, as to false alarm activation penalties, all in favor, 7-0.

PARK AND SHADE TREE COMMISSION REPORT: On motion duly made, seconded and passed, Council approved the Park and Shade Tree Commission report dated April 28, 2021.

Councilmember Jenckes reviewed the report.

Councilmember Jenckes made a motion, seconded by Councilmember Woodward to take the Park and Shade Commission's recommendation under advisement as to taking the necessary steps to reduce the deer herd in the parklands, all in favor, 7-0.

ECONOMIC DEVELOPMENT COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Economic Development Committee report dated April 29, 2021.



Councilmember Woodward reviewed the report.

Councilmember Woodward made a motion, seconded by Councilmember Bausher to authorize Borough Solicitor Christopher Hartman and Assistant Borough Manager & Economic Development Coordinator Michele Bare to prepare a draft historical tourism zoning overlay district, all in favor, 7-0.

PLANNING COMMISSION REPORT: On motion duly made, seconded and passed, Council approved the Planning Commission report dated May 3, 2021.
Councilmember Woodward reviewed the report.

Councilmember Woodward made a motion, seconded by Councilmember Jenckes to grant conditional final plan approval to 560 Van Reed Road, subject to all review comments in McCarthy Engineering's review letter dated April 21, 2021, all in favor, 7-0.

Councilmember Woodward made a motion, seconded by Councilmember Bausher to approve the waivers from the Subdivision and Land Development Ordinance and the Stormwater Ordinance for the Panda Express pad site in the Berkshire Square shopping complex, conditioned upon waivers that have not already been documented, must be documented before the Council meeting, and the applicant must agree to a fee in lieu of providing a traffic impact study, that is acceptable to Council, and the easement requirement for storm sewers under 310 c.4. will be provided as a non-exclusive easement, all in favor, 7-0.

Councilmember Woodward made a motion, seconded by Councilmember Brunner to grant conditional final plan approval for the Panda Express pad site in the Berkshire Square shopping complex subject to the approval of the waivers by Council, subject to receiving the variance from the Zoning Hearing Board, and subject to all remaining comments in McCarthy Engineering's review letter dated April 21, 2021, all in favor, 7-0.

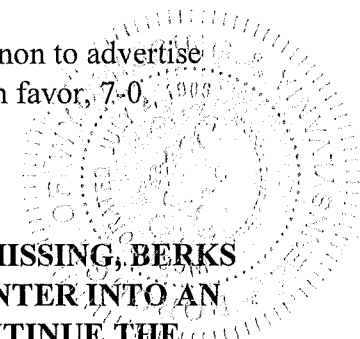
ORDINANCE NO. 1419-2021

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF WYOMISSING, CHAPTER 20A ENTITLED "STORMWATER MANAGEMENT", BY AMENDING PART 4 ENTITLED "STORMWATER PLAN REQUIREMENTS", BY ADDING A NEW SECTION 408, ENTITLED "SMALL RESIDENTIAL PROJECT STORMWATER DESIGN REGULATIONS".

Councilmember Woodward made a motion, seconded by Councilmember Menon to advertise Ordinance No. 1419-2021, as to Small Project Stormwater Management, all in favor, 7-0.

RESOLUTION NO. 2021-07

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH AND CONTINUE THE



BERKS COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS IN COOPERATION WITH THE COUNTY OF BERKS AND OTHER PARTICIPATING MUNICIPALITIES WITHIN THE COUNTY

Councilmember Woodward made a motion, seconded by Councilmember Bausher to adopt Resolution No. 2021-07, entering an intergovernmental agreement to continue utilizing the County's UCC Board of Appeals, 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 May 6, 2021.

Councilmember Brunner reviewed the report.

Councilmember Brunner made a motion, seconded by Councilmember Derr to award the 2021 Sewer work to the lowest qualified bidder, Sewer Specialty Services Company, in the amount of \$231,781.44, all in favor, 7-0.

RESOLUTION NO. 2021- 08

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING ACTIONS RELATING TO RECEIVING A GREENWAYS, TRAILS AND RECREATION PROGRAM GRANT FOR THE IMPLEMENTING OF THE STONE HOUSE MASTER PLAN

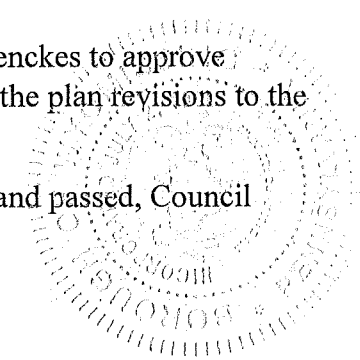
Councilmember Brunner made a motion, seconded by Councilmember Woodward to adopt Resolution No. 2021-08, giving authorization to Pat Brandenburg and Michele Bare to sign documents and accept funds associated with the Greenways, Trails, and Recreation Program grant, all in favor, 7-0.

Councilmember Brunner indicated the motion to utilize the Unbudgeted Items reserves, to fund the \$10,000 stormwater management costs associated with Phase 1 of the Stone House master plan study, has been tabled until the June 2021 Council meeting.

Councilmember Brunner indicated the motion to utilize the Greenways, Trails, and Recreation Program grant award of \$60,000; originally applied for to improve the Berkshire Heights playground, towards Phase 1 of the Stone House master plan study, and to utilize \$10,000 from the Unbudgeted Items reserves, towards stormwater management in Phase 1 of the Stone House master plan study, has been tabled until the June 2021 Council meeting.

Councilmember Brunner made a motion, seconded by Councilmember Jenckes to approve payment of the architectural fee up to \$5,000 to Olsen Design Group for the plan revisions to the Public Works Facility plans, 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 dated May 11, 2021.



Upon the Borough Manager's absence, Assistant Borough Manager & Economic Development Coordinator Michele Bare reviewed the Borough Manager's report.

Assistant Borough Manager & Economic Development Coordinator Bare indicated that funds have been received regarding the Wyomissing Library Roof settlement agreement and Mutual Release with RestoreCore Inc. She further noted the Civil Service promotional testing process for the Fire Fighter Technician position is in progress, and five Borough Maintenance and Parks staff completed and passed a course in Heavy Equipment and Backhoe training May 3rd, 4th and 5th taught by a professional trainer.

Assistant Borough Manager & Economic Development Coordinator Bare indicated the Borough would like to file a civil complaint against PAPCO due to a fuel delivery negligence. PAPCO has not responded recently to any inquiries from the Borough.

Councilmember Jenckes made a motion, seconded by Councilmember Bausher to authorize Borough Solicitor Christopher Hartman to file a civil complaint against PAPCO on behalf of the Borough, for the PABCO fuel delivery negligence, 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:

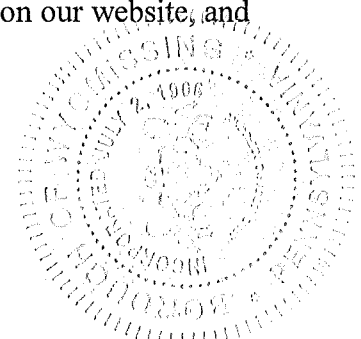
General Fund	\$ 504,579.28
Water Fund	92,012.78
Sewer Fund	191,519.89
Refuse Fund	65,225.76
Liquid Fuels Fund	<u>23,330.18</u>
	\$ 876,667.89

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

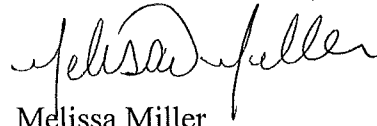
OTHER:

Councilmember Jenckes stated that he was pleased to announce the Dean of the Drexel University College of Medicine has taken residency in Wyomissing based on our website, and the various amenities available to residents.

The Wyomissing Borough Council meeting adjourned at 8:09 p.m.



Respectfully Submitted,

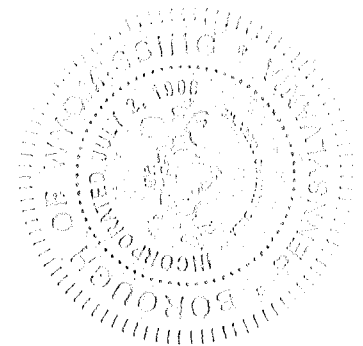


Melissa Miller
Borough Secretary

Approved by:



Thomas M. Moll, President
Wyomissing Borough Council



Adrian Jadic
48 Cardinal Rd. Wyomissing

Speech at May Council Meeting

I wish to call out the disgraceful level of conversation that takes place among council and committee members. This trumpist defiance of decency combined with male bravado at anyone's expense through ageistic remarks, bigotry, and ridiculing ones physical appearance or impairments.

There is no leadership in such behavior. This does not make the Borough more prosperous or welcoming. It makes us ugly and bigoted. Such conversations serve no legitimate purpose. Bullying is not freedom of speech, it is verbal abuse.

The direct participants in this conversation were:

Tom Bausher, Keith Derr, David Reeser, Bill Jenkes, Tom Moll.

Other members of the Administration as well as council-members were present but did not take direct part in this conversation. Nor did protest or distance themselves.

Of utmost concern is that Council-member Menon who is a registered democrat was also present. Such remarks were demeaning her President and other party officials but she chose to not take any stance whatsoever against this language and behavior.

I will close by saying that Wyomissing deserves much better than this.

Adrian Jadic

NOTE: A video was provided but there were technical difficulties in playing the clip back. Therefore I played the clip from my cell phone.

Below is the transcript of the conversation: The complete video is available on Borough's website. The events took place at the Infrastructure Committee meeting from April 19, 2021.

Keith Derr: **"You see... our President sits in the oval office surrounded by everybody that's had a vaccine and they still sit there with the mask on. I, I don't get it!"**

David Reeser: **"Now, I don't think hes's in the office very long during the day anyway."**

Everyone laughs...

Tom Bausher: **"That's 'cause... That's how they prop him in the morning and they just stood him there... (some more unintelligible comment after that)"**

Everyone laughs hard. Councilman Jenckes is heard laughing over everyone's voice.

Keith Derr: **"I heard one of the conspiracy theories is that the reason he wears a mask is caus he's not really the one talking."**

Everyone laughs again...