

BOROUGH OF WYOMISSING – COUNCIL MINUTES

JUNE 8, 2021 – 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 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, Borough Manager Pat Brandenburg, 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.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

VISITORS:

Jim McCarthy – Borough Engineer
Adrian Jadic – 48 Cardinal Road, Wyomissing
John Cullen – 47 Cardinal Road, Wyomissing
Tammy Sweigart – 510 N. Fourth Street, Wyomissing
David and Barbara Reeser – 1110 Fairview Avenue, Wyomissing

PUBLIC COMMENTS:

Tammy Sweigart, 510 North Fourth Street expressed her concern of the various issues she and other neighbors have encountered during the “Fourth Street” reconstruction project. The main issue she brought forth was that Council did not discuss the possibility of permitted parking for her or her neighbors. Council President Moll invited Ms. Sweigart to attend the June 2021 Fire and Police committee meeting, which is followed by the Infrastructure committee, to further express her concerns.

Adrian Jadic, 48 Cardinal Road requested that Council make the decision to continue utilizing Zoom meetings, along with in-person meetings. He feels by not doing so, is discriminating against people who are unable to attend in-person meetings. He further noted this would increase the likelihood of public participation, and increase transparency. On a separate note, he indicated he is happy to see the agendas are being posted online, but felt the change was due to the fact that it was an election year, and also explained the agendas do not provide action items that will be discussed and/or voted on at the various meetings. This does not allow people to prepare their public comments. During the meeting, Mr. Jadic objected twice to the Sunshine Act in regards to two Resolutions not being published. Borough Solicitor Christopher Hartman explained to Mr.

Jadic that Resolutions are not required by law to be advertised, but did thoroughly explain each Resolution before it was passed during the meeting.

Barbara Reeser, 1110 Fairview Avenue suggested Council consider moving Public Comment sessions to the end of the meeting instead of the beginning, this way people have the opportunity to comment on items discussed during the meeting.

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 May 11, 2021.

CONSULTING ENGINEER'S REPORT: On motion duly made, seconded and passed, Council approved the Consulting Engineer's report dated June 3, 2021.

Borough Engineer Jim McCarthy reviewed his report.

Jim McCarthy indicated the Fourth Street project is expected to be completed by mid-July. He noted final paving will be completed the week of June 14, 2021, handicapped ramps are being worked on, landscaping is completed, and light pole foundations have been constructed. Light poles are on order and will be installed upon their delivery.

Jim McCarthy explained to Council that PennDOT has announced the opening of the Automated Red Light Enforcement (ARLE) Funding Program. This program does not require matching funds. Similar work on signal cabinets that was completed utilizing Green Light Go funding, would be completed on other signal cabinets within the Borough using the ARLE funds. Unfortunately, the documents are due June 30, 2021, thus it was recommended that Council authorize Borough executive staff to execute documents as needed, and authorize Borough Solicitor Christopher Hartman to draft a Resolution, as needed, to fulfill the program documentation requirements.

Councilmember Jenckes made a motion, seconded by Councilmember Brunner to authorize Borough executive staff to execute Automated Red Light Enforcement Funding Program documents as needed, and authorize Borough Solicitor Christopher Hartman to draft a Resolution, as needed, to fulfill the program documentation requirements, 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 June 8, 2021.

Mayor Fred Levering reiterated to Council that over the past year, various retirements have occurred in the Police Department, and several new hires and promotions have taken place. With that being said, the two newest hires for the Police Department Patrol position are in the process of completing their department training. Mayor Levering also commended Chief Phillips for an outstanding job that he has done thus far in his new role.

Chief John Phillips reviewed the report.

Chief Phillips noted his concern that it is unclear if the County graffiti abatement team will resume the removal of graffiti county-wide.

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

Councilmember Jenckes reviewed the report.

INFRASTRUCTURE COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Infrastructure Committee report dated May 17, 2021.

Councilmember Bausher reviewed the report.

Councilmember Bausher made a motion, seconded by Councilmember Woodward to approve Change Order No. 1, in the amount of \$14,600, to Barrasso Excavating, for the installation of a new fire hydrant on Papermill Road, and change the insertion valve size from 8 inches to 10 inches, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Menon to award the 50/50 Sidewalk Repair work to Affordable Paving and Excavating, LLC., in the amount of \$78,888, all in favor, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Derr to approve payment of Payment Application No. 7, in the amount of \$151,385.34 to Barwis Construction, for the Fourth Street project, all in favor, roll call vote, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Derr to approve Assistant Borough Manager & Economic Development Coordinator Michele Bare to prepare an application for the Community Funding program grant offered by the U.S. Senate Appropriations committee, on behalf of the Borough for the Public Works facility, all in favor, 7-0.

LIBRARY BOARD REPORT: On motion duly made, seconded and passed, Council approved the Library Board report dated May 17, 2021.

Councilmember Menon reviewed the report.

Councilmember Menon indicated library hours have increased again, and are getting closer to normal operating hours.

Councilmember Menon also noted the success of the Derby Party and stated the next fundraiser event is a 5K run that will be held in the Wyomissing parklands on June 12, 2021 from 9 am to 1 pm.

Councilmember Menon lastly noted the June Board meeting will be the last meeting until the Board convenes again in the Fall.

PERSONNEL COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Personnel Committee report dated May 18, 2021.

Councilmember Bausher reviewed the report.

Councilmember Bausher made a motion, seconded by Councilmember Jenckes to activate the Civil Service Commission to certify the list of Police Sergeants, and to authorize the Borough Manager and Police Chief to issue conditional offer letters to the top two candidates and begin background checks on those candidates, all in favor, 7-0.

Councilmember Bausher made a motion, seconded by Councilmember Woodward to appoint the top two candidates, Paul Baur and Scott Schaeffer, from the certified Civil Service Commission list of candidates for the Police Department Sergeant 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 reports dated May 18, 2021 and May 25, 2021.

Councilmember Brunner reviewed the reports.

Councilmember Brunner noted the Memorial Day ceremony was very well attended and nicely done, and July 4th planning is continuing, and there is a need for judges for July 4th activities.

Councilmember Brunner made a motion, seconded by Councilmember Jenckes to approve the July 4th event theme of "Tribute to Essential Workers", all in favor, 7-0.

Parks and Recreation Director Dan Macrina shared with Council that 352 children are registered for the playground program, and there will be a Concert in the Park on June 13, 2021 at 6:30 pm at the Stone House.

FIRE AND POLICE COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Fire and Police Committee report dated May 24, 2021.

Councilmember Jenckes reviewed the report.

Councilmember Jenckes made a motion, seconded by Councilmember Brunner to approve the purchase of a new ice machine, from the Restaurant Store, for the Borough of Wyomissing Fire Department, in the amount of \$3,199, all in favor, roll call vote, 7-0.

Councilmember Jenckes made a motion, seconded by Councilmember Bausher to approve pursuing a broker to sell the Tower fire apparatus for an approximate cost of 5% of the sale price of the apparatus, all in favor, 7-0.

ECONOMIC DEVELOPMENT COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Economic Development Committee report dated May 27, 2021.

Councilmember Woodward reviewed the report.

Councilmember Woodward made a motion, seconded by Councilmember Jenckes to repeal Resolution No. 1994-24, and have Borough Solicitor Christopher Hartman draft a new Resolution to be approved and recorded to appear in a new title search, all in favor, 7-0.

RESOLUTION NO. 2021-11

A RESOLUTION OF THE BOROUGH OF WYOMISSING REPEALING RESOLUTION 12/13/1994, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF BERKS COUNTY, PENNSYLVANIA, IN VOLUME 2614 PAGES 2252-2258, WHICH ESTABLISHED A REVIEW PROCEDURE FOR THE SALE OF PARTS OF BUILDINGS FOR BUSINESS OR COMMERCIAL VENTURE

Councilmember Woodward made a motion, seconded by Councilmember Derr to approve Resolution No. 2021-11, as to repealing Resolution No. 12/13/1994, all in favor, 7-0.

PLANNING COMMISSION REPORT: On motion duly made, seconded and passed, Council approved the Planning Commission report dated June 7, 2021.

Councilmember Woodward reviewed the report.

FINANCE AND ADMINISTRATION COMMITTEE REPORT: On motion duly made, seconded and passed, Council approved the Finance and Administration Committee report dated June 7, 2021.

Councilmember Brunner reviewed the report.

Councilmember Brunner made a motion, seconded by Councilmember Derr to approve the transfer of \$38,438.75 from the General Fund to the Liquid Fuels Fund as recommended by the PennDOT reviewer as a result of the October of 2020 monitoring review of the use of Liquid Fuels funds by the Borough. It was found that the Berks County Purchasing Co-Op did not include all sizes of lines when bidding line painting in 2019, all in favor, roll call vote, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Menon to approve the \$181,116.75 second quarter payment for the 2021 MMO contribution, all in favor, roll call vote, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Bausher to approve the purchase of two temporary mobile air conditioning units for the library, and to authorize Jim Babb and Borough Engineer Jim McCarthy to begin preparing bid documents for the library air conditioning project, all in favor, roll call vote, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Menon to move forward with utilizing the DEP grant for \$86,598 to purchase the new leaf vacuum, of which the Borough is responsible for \$9,700 as the match, and authorize the appropriate staff to execute the grant agreement, all in favor, roll call vote, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Jenckes to authorize the purchase of 16 body worn cameras and 7 vehicle mounted cameras for the Police Department, at

a purchase price of \$122,670; \$46,000 will be expended from the unbudgeted revenue category, with \$23,000 being reimbursed once the grant is received, and the remainder of the purchase price budgeted over the next four years, all in favor, roll call vote, 7-0.

Councilmember Brunner made a motion, seconded by Councilmember Bausher to authorize Borough Solicitor Christopher Hartman to represent the Borough in litigation with the position that a recent tax assessment appeal denial be upheld, 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 8, 2021.

Assistant Borough Manager & Economic Development Coordinator Michele Bare shared with Council that as part of the PennDOT Multi-Modal grant requirements, the Borough had to complete a request for proposal to send to three firms for engineering services. McCarthy Engineering has won the bidding process, and Michele recommended approving McCarthy Engineering as the engineer for the Multi-Modal grant program funding and current and future project needs.

Councilmember Jenckes made a motion, seconded by Councilmember Woodward to approve McCarthy Engineering as the engineer for the Multi-Modal grant program funding and current and future project needs., all in favor, 7-0.

Borough Manager Brandenburg reviewed the report.

Borough Manager Brandenburg reiterated that the Borough intends on following the current Declaration of Local Disaster Emergency Resolution until the end of the COVID-19 pandemic.

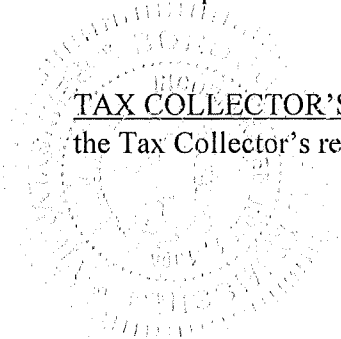
TREASURER'S STATEMENT OF OPERATIONS: On motion duly made, seconded and passed, Council approved the Treasurer's Statement of Operation and all financial statements.

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	\$ 664,107.25
Water Fund	80,866.02
Sewer Fund	138,992.90
Refuse Fund	66,941.76
Liquid Fuels Fund	<u>86,580.86</u>
	\$ 1,037,488.79

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



OTHER:

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

ORDINANCE NO. 1420-2021

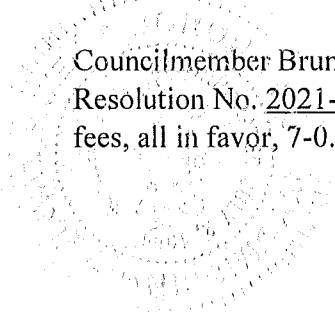
AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WYOMISSING, CHAPTER 13 ENTITLED "LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS", PART 1 ENTITLED "FIRE AND POLICE ALARM SYSTEMS", SECTION 105 ENTITLED "PENALTIES", LETTER D TO PROVIDE FOR A 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 Menon to approve Ordinance No. 1420-2021, as to false alarm activation penalties, all in favor, 7-0.

RESOLUTION NO. 2021-10

A RESOLUTION OF THE BOROUGH OF WYOMISSING REVISING AND UPDATING THE BOROUGH'S FEE SCHEDULE FOR FEES FOR POLICE OR FIRE RESPONSE TO FALSE ALARM

Councilmember Brunner made a motion, seconded by Councilmember Jenckes to approve Resolution No. 2021-10, as to updating the fee schedule for police and fire false alarm response fees, all in favor, 7-0.



The Wyomissing Borough Council meeting adjourned at 8:10 p.m.

Respectfully Submitted,



Melissa Miller
Borough Secretary

Approved by:



Thomas M. Moll, President
Wyomissing Borough Council



July 2021 Council Speech

I am speaking here today, once again, to protest against the persistent censoring, bigotry and discrimination that goes on at the Wyomissing meetings.

On June 28, at the Infrastructure committee, I asked to speak regarding the NOV that was issued to us by Kraft Codes and displayed onscreen. Once again the Councilmen spoke over me and prevented me from making my point. I was not even allowed to say one sentence before I was completely shut down.

I got a quote for you from 1964 US Supreme Court Case of NYTimes vs. Sullivan:
“This nation was founded on a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”

My comments are certainly critical of this government, maybe caustic sometimes but they are never done with malice. In fact my calling out the incompetency and corruption for more than 2 years has helped bring a plethora of notable improvements.

But Councilman “Snowflake” Jenckes even went so far to say he is “fed up with my criticism and I should stop”. Well, I got news for you Bill: Your powers do not supersede the US Constitution. This is MY time to comment not yours.

Furthermore:

When Tammy Sweigart spoke last council meeting she was allowed to finish and even invited to speak again at Fire & Police freely and uninterrupted by being placed on the agenda that day.

Why is this treatment reserved only for American born residents?

Just like me, Mr. Krutoyarski was treated with the same xenophobic attitude, dismissed and cancelled when he brought to your attention a perfectly valid issue that to this day has not been resolved. Why aren't the issues of immigrants worthy of being placed on the agenda? McCarthy Engineering made a study, and an ordinance was drafted by the solicitor only to be voted down by Council. It was a perfectly good Ordinance based on actual facts, measurements and solid engineering principles.

Councilman Jenckes: May I reply to you that I AM a Wyomissing taxpayer and I AM fed up with your discriminatory and censoring practices and YOU should stop.

Councilman Wodward: I have lived in many countries, worked as an engineer in 4 countries including US, worked as a math teacher and a stay home dad while we raised 2 wonderful daughters.

I have always been a good citizen and there is plenty evidence of that in our past. So I must logically conclude that your unfavorable opinion of me is solely based on your self-confessed bigotry.

I hereby request to be placed on the agenda at next Infrastructure meeting. The persistent abuses of office by officials need to stop and YES, Councilman Derr, there is something you can do about it, but only if you are really prepared to listen.

Thank you:
Adrian Jadic