

BOROUGH OF WYOMISSING – COUNCIL MINUTES

FEBRUARY 8, 2022 – 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 First Vice 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; Mayor Frederick C. Levering, Borough Solicitor Christopher J. Hartman, Borough Engineer Jim McCarthy, Acting Borough Manager Michele Bare, Police Chief John Phillips, Public Works Director James V. Babb, Parks and Recreation Director Dan Macrina, and Borough Secretary Melissa Miller. The following persons was absent: Treasurer Gregory L. Portner.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

EXECUTIVE SESSION:

First Chair Jenckes announced an executive session was held before the meeting to discuss potential litigation and Borough personnel matters.

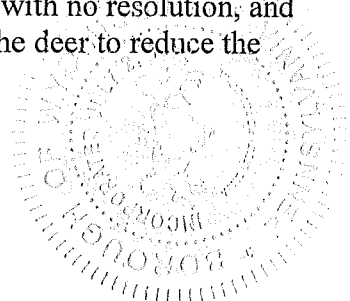
VISITORS:

Kimberly Weniger – Assistant Borough Secretary
Adrian Jadic – 48 Cardinal Road
Herbert Lovett – 103 Deborah Drive
Jennifer Reimer – 19 Merrymount Road
Ted Lentz – 7 High Road
Barbara & Dave Reeser – 1110 Fairview Avenue
Betsy Heckman – Tax Collector

PUBLIC COMMENTS (agenda items):

Adrian Jadic, 48 Cardinal Road requested the Borough speak with the cable providers on the possibility of burying cable underground, instead of above ground cabling. Further in the meeting he suggested the Borough set up a fund to help with the cost of deer management.

Michele Bare read letters from Al Mast of High Road, Pat Shields of High Road, Bill Combs of 6 High Road, and Robert Torcolini of High Road all expressing their frustration of the deer over-population, the number of deer hit by vehicles, the amount of vegetation destruction on High Road and surrounding areas, their concern of prior complaints to Council with no resolution, and their current request to have Council take action on the matter of culling the deer to reduce the herd.



Ted Lentz, 7 High Road indicated his interest in the Borough's plan to take action on the deer over-population. As a resident of the Borough for the past seventeen years, he mentioned the large number of deer in his yard daily, defecation left on property, ticks frequently found on family, Lyme's disease, and losing the ability for himself and family to enjoy their yard. He questioned what stance will the Borough take if the overgrown population is causing an increase in vehicle fatalities or accidents throughout the Borough. Further in the meeting he indicated that public safety is a concern of the tax payers, and feels the deer are a health hazard, and he briefly explained to Council that a daily deer hunt occurs at Nolde Forest and noted that no protests have occurred over this hunt. In regards to Council concerns that funding deer culling should not be the responsibility of all tax payers, he provided an example that his tax dollars should not necessarily fund sewer related projects because his home is not connected to Borough sewer.

Betsy Heckman, 1218 Delaware Avenue, indicated the deer discussion has been a topic of discussion for several years, and reminded Council that whatever decision is made should be followed for years to come.

PUBLIC HEARING FOR THE BOROUGH OF WYOMISSING ORDINANCE
AMENDMENT (Ordinance 1426-2022):

Borough Solicitor, Chris Hartman called the hearing to order at 7:09 p.m. by explaining that a hearing is not actually needed since this is a stand-alone Ordinance and not a Zoning ordinance, however since it was advertised to have a hearing, a hearing will commence. He provided an introduction to the process of the hearing, the purpose of the hearing, and the presentation of the proposed Ordinance amendment to the Borough Ordinance. He further indicated a public hearing was held about a year ago pertaining to the Cable Franchise Agreement. He reminded Council that the operating requirements within the Comcast agreement are set by the FCC, and the revenue noted in the agreement is the maximum allowed by law, and Comcast is responsible for paying 5% of the gross receipts as their fee to the Borough. Chris indicated a decline in gross receipt revenue is expected due to more people using television streaming services instead of cable. Lastly, Chris noted the agreement is for ten years and is not exclusive, so any provider could come into the Borough, but the provider would be responsible to re-cable the Borough. This Ordinance amendment has been advertised per the Sunshine Act requirements.

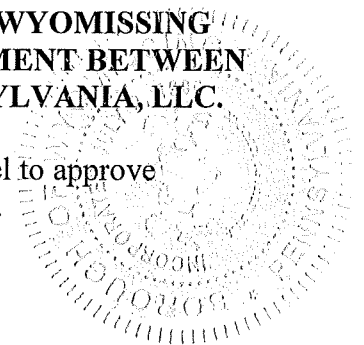
PUBLIC COMMENTS:

No public comments were provided.

The Public Hearing for the Ordinance amendment to the Borough of Wyomissing Code of Ordinances adjourned at 7:15 p.m.

**ORDINANCE 1426-2022 – AN ORDINANCE OF THE BOROUGH OF WYOMISSING
AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN
THE BOROUGH AND COMCAST OF THE NEW MEXICO/PENNSYLVANIA, LLC.**

Councilmember Barnett made a motion, seconded by Councilmember Mogel to approve Ordinance No. 1426-2022 as to the Cable Franchise Agreement, all in favor.



COUNCIL MINUTES: On motion duly made, seconded and passed, Council approved the minutes of the meeting of January 11, 2022.

CONSULTING ENGINEER'S REPORT: On motion duly made, seconded and passed, Council approved the Consulting Engineer's report dated February 8, 2022.

Borough Engineer Jim McCarthy shared with Council that bid openings for 2022 road projects will occur during the Infrastructure meeting.

POLICE DEPARTMENT & MAYOR'S REPORT: On motion duly made, seconded and passed, Council approved the Police Department & Mayor's report dated February 8, 2022.

Mayor Frederick Levering thanked Officer Terri Ney for her dedicated service to the Borough, and congratulated her on her retirement.

Chief Phillips reviewed the report.

FIRE COMMISSIONER'S REPORT: On motion duly made, seconded and passed, Council approved the Fire Commissioner's report for January 2022.

Councilmember Jenckes reviewed the report.

LIBRARY BOARD REPORT: On motion duly made, seconded and passed, Council approved the Library Committee report dated January 17, 2022.

Councilmember Barnett reviewed the report.

Councilmember Barnett indicated there has been an increase in library patron statistics in all areas, and she commends the Library Board for all of their fundraising success.

REFUSE & RECYCLING COMMITTEE: On motion duly made, seconded and passed, Council approved the Refuse & Recycling Committee report dated January 20, 2022.

Councilmember Jenckes reviewed the report.

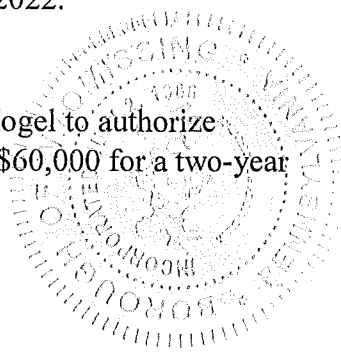
Councilmember Jenckes indicated the committee has seen improvements with haulers' performance, and the committee is looking to change some verbiage in the Refuse and Recycling contracts for bids beginning in 2022.

INFRASTRUCTURE COMMITTEE: On motion duly made, seconded and passed,

Council approved the Infrastructure Committee report dated January 24, 2022.

Councilmember Brunner reviewed the report.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to authorize accepting the only bid received, from Tandem Mobility in the amount of \$60,000 for a two-year period, all in favor, roll call vote, 6-0.



Councilmember Brunner made a motion, seconded by Councilmember Mogel to authorize the Change Order No. 1, in the amount of \$9,982.32 for the Library HVAC project, to McClosky Mechanical, Inc., all in favor, roll call vote, 6-0.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to authorize retaining Marshall Dennehey law firm to represent the Borough in litigation matters, conditioned upon a waiveable conflict of representation regarding Pennsylvania American Water and Reading Area Water Authority, all in favor, roll call vote, 5-0. Councilmember Stanko abstained from the vote due to conflict of interest.

PERSONNEL COMMITTEE: On motion duly made, seconded and passed, Council approved the Personnel Committee report dated January 25, 2022.

Councilmember Mogel reviewed the report.

Councilmember Mogel made a motion, seconded by Councilmember Stanko to authorize accepting the retirement letter submitted by Police Officer Terri Ney, all in favor, 6-0.

Councilmember Brunner made a motion, seconded by Councilmember Derr to authorize the revised Borough employee organizational chart, all in favor, 6-0.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to authorize the promotion of the Borough Secretary to the Borough Secretary and Human Resources Assistant Director, contingent upon a salary adjustment to be approved by the Finance and Administration committee, all in favor, 6-0.

Councilmember Mogel made a motion, seconded by Councilmember Stanko to authorize the promotion of the Utilities Clerk to the Assistant Borough Secretary and Utility Billing administrator, contingent upon an hourly wage adjustment approval by the Finance and administration committee, all in favor, 6-0.

Councilmember Barnett made a motion, seconded by Councilmember Stanko to authorize an hourly wage market adjustment for the Borough Receptionist position contingent upon an hourly wage adjustment approval by the Finance and Administration Committee, all in favor, 6-0.

Councilmember Mogel made a motion, seconded by Councilmember Barnett to authorize the advertisement and interviewing candidates for the new Tree Department position, all in favor, 6-0.

RECREATION BOARD: On motion duly made, seconded and passed, Council approved the Recreation Board report dated January 25, 2022.

Parks and Recreation Director Dan Macrina reviewed the report.

Dan indicated the committee has chosen Michael Fitzgerald as Committee Chair and Angela Duen as Vice Chair. He noted the first meeting of the Student Advisory Board will take place on February 15, 2022 before the regular Recreation Board meeting, and the Recreation Board is looking into starting a Tot-Lot and playground scholarship fund.



PARK AND SHADE TREE COMMISSION: On motion duly made, seconded and passed, Council approved the Park and Shade Tree Commission report dated January 26, 2022.

Councilmember Barnett made a motion, seconded by Councilmember Mogel to authorize the installation of six bat boxes in the parklands as an Eagle Scout Project, while utilizing the assistance of Borough staff to mount the bat boxes, all in favor, 6-0.

Upon discussing the deer management situation, Council acknowledged residents' concerns about the deer disrupting the ecological system in the parklands, as well as posing a public safety risk due to Lyme's disease, and causing vegetation damages on private property. Council expressed concerns about the deer herd situation only affecting a certain number of people within the Borough, and potentially not the best use of tax payer dollars to cull the deer, the public safety threat of managed hunts in the parklands, and the concern that even after culling some of the deer, there would still be deer in Wyomissing to potentially cause damages.

After further discussion on the deer management situation, Council is concerned they do not have enough information available pertinent to the USDA application and waiver process to make any actionable motions at this time, nor have they been provided any written plans from the USDA outlining the various steps necessary in the entire process, to allow Council to make an informed decision to cull, or not cull the deer.

Councilmember Mogel made a motion, seconded by Councilmember Jenckes to authorize Borough administrative staff to begin the USDA application process to apply for the deer culling managed hunt waiver, the motion does not carry, 2-4.

Councilmember Derr made a motion, seconded by Councilmember Mogel to authorize Borough administrative staff to seek information from the USDA in regards to the application and waiver process, as well as a written plan outlining the various steps necessary in the entire process, to allow Council to make an informed decision to cull, or not cull the deer, all in favor, 6-0.

Councilmember Mogel made a motion, that was not seconded, to authorize larger signs be installed specifying the dog leashing rules of the Borough and to review the penalties for not following the dog leashing rules, the motion does not carry since it was not seconded.

Councilmember Brunner made a motion, seconded by Councilmember Barnett to authorize Borough administrative staff to begin the development of a Park Bench Donation Program, all in favor, 6-0.

Councilmember Mogel made a motion, seconded by Councilmember Brunner to authorize the removal of all Japanese Barberry shrubs at Centennial Circle. Replacement of these shrubs will be contingent upon available funding in the 2022 budget, all in favor, 6-0.



ECONOMIC DEVELOPMENT: On motion duly made, seconded and passed, Council approved the Economic Development Committee report dated January 27, 2022.

Mayor Frederick Levering reviewed the report.

FIRE AND POLICE COMMITTEE: On motion duly made, seconded and passed, Council approved the Fire and Police Committee report dated January 31, 2022.

Councilmember Mogel reviewed the report.

Councilmember Derr made a motion, seconded by Councilmember Stanko to authorize the utilization of the excess Fire Department FEMA grant funds in the amount of \$14,054.14 to purchase three sets of turnout gear for the Wyomissing Fire Department, at the cost of \$12,701.34, with the Borough's responsibility being \$1,270.13, and to allocate the remaining grant funds of \$2,622.93 back to Spring Township, all in favor, roll call vote, 6-0.

Councilmember Mogel made a motion, seconded by Councilmember Derr to authorize rejecting the contracted Police traffic control services for the upcoming Route 222 PennDOT project, all in favor, 6-0.

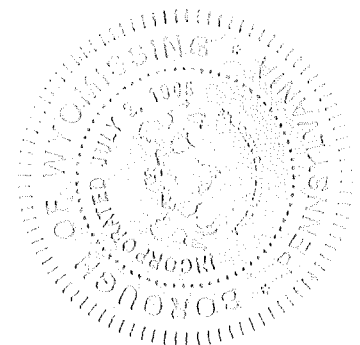
Councilmember Mogel made a motion, seconded by Councilmember Brunner to authorize the installation of two crosswalks; one on either side of Deborah Drive, crossing Wingert Road, all in favor, 6-0.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to authorize the "One-Way" street sign installation request at the Friends Animal Hospital, and also install a "One-Way" street sign at Solve IT, as both businesses have parking lots that exit onto one-way street, all in favor, 6-0.

Councilmember Mogel made a motion, seconded by Councilmember Barnett to authorize the handicap parking space request for 401 Oley Street, all in favor, 6-0.

Councilmember Stanko made a motion, seconded by Councilmember Barnett to authorize the signing of the Statement of Concurrence as an agreement that Perry Township is responsible for any changes and costs associated with the interference of radio frequencies, contingent upon the Borough Solicitor adding the clarification of the meaning "level of interference", all in favor, 6-0.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to authorize participating in joint efforts with West Reading Borough to prepare a letter to the City of Reading to address noise disruptions from the city, all in favor, 6-0.



FINANCE & ADMINISTRATION: On motion duly made, seconded and passed, Council approved the Finance and Administration Committee report dated February 3, 2022.

Councilmember Derr reviewed the report.

Councilmember Derr made a motion, seconded by Councilmember Stanko to authorize the \$74,499.50 first quarter payment of the 2022 MMO contribution, all in favor, roll call vote, 6-0.

Councilmember Derr made a motion, seconded by Councilmember Stanko to authorize ratifying the action taken by Business Manager Phyllis Smith to combine both CD's into one 12-month CD in the amount of \$4,000,000 at the rate of .45%, all in favor, 6-0.

Councilmember Derr indicated his concern that obtaining bridge loan approval too early will not be cost effective for the Borough. He noted if grants are received later in 2022 and 2023 to be used towards the Public Works facility project, and the bridge loan is only available for two years, the loan may expire before grants are received to use towards the project. Thus the Borough could potentially be paying an application fee for something that will not be used.

Councilmember Stanko made a motion, seconded by Councilmember Mogel to deny authorizing Business Manager Phyllis Smith to apply for a new tax free bridge loan in the amount of \$7,500,000 at the rate of 2.5% for the Public Works facility, with an initial cost of \$10,000, all in favor, 6-0.

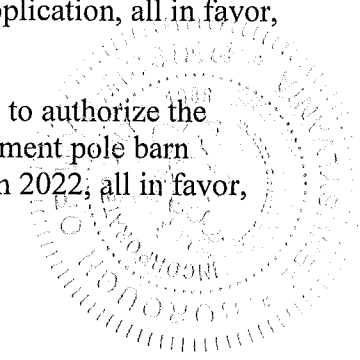
Councilmember Stanko made a motion, seconded by Councilmember Mogel to recommend Borough administration and the Finance & Administration committee review other loan options, particularly lower cost options, and possibly even taxable options, all in favor, 6-0.

Councilmember Derr made a motion, seconded by Councilmember Barnett to authorize the submission of the application for the Local Share Account Statewide grant and authorize Michele Bare and Phyllis Smith to execute all related documents, and the corresponding Resolution No. 2022-06, all in favor, 6-0.

RESOLUTION NO. 2022-06- A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING OFFICIAL ACTION RELATING TO RECEIVING A STATEWIDE LOCAL SHARE ACCOUNT GRANT FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE BOROUGH'S PUBLIC WORKS FACILITY

Councilmember Derr made a motion, seconded by Councilmember Barnett to approve Resolution No. 2022-06 as to the Statewide Local Share Account Grant application, all in favor, 6-0.

Councilmember Derr made a motion, seconded by Councilmember Mogel to authorize the additional expenditure of \$115,211.60 for the Parks and Recreation department pole barn building, to be funded by the net total from projects not being completed in 2022, all in favor, roll call vote, 6-0.



Councilmember Derr made a motion, seconded by Councilmember Mogel to authorize the proposed salary increase for the Borough Secretary and Human Resource Assistant Director, a rate increase for the Assistant Borough Secretary and Utility Administrator, and a rate increase for the Borough Receptionist as recommended by the Personnel committee, all in favor, 6-0.

Councilmember Derr made a motion, seconded by Councilmember Barnett to authorize the use of a Social Media Policy, and the use of the social media platforms Facebook, the Borough website, email blasts, MyRec, and Instagram, all in favor, 6-0.

Councilmember Derr recognized the late Paul Brass for his dedicated time and service to the Borough of Wyomissing. A donation was made in his memory on behalf of the Borough.

PLANNING COMMISSION: On motion duly made, seconded and passed, Council approved the Planning Commission report dated February 7, 2022.

Councilmember Stanko reviewed the report.

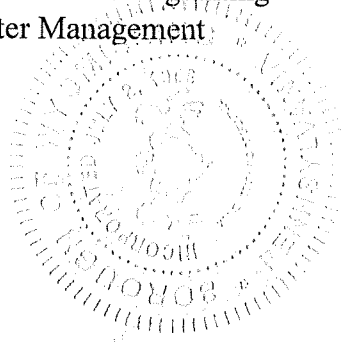
Councilmember Stanko made a motion, seconded by Councilmember Brunner to amend the agenda to take action on waivers requested by the Highlands. – No public comment was provided.

Councilmember Stanko read the following Subdivision and Land Development Ordinance waiver requests from the Highlands waiver request letter: Preliminary/final plan submission requirements, architectural scale requirements, tract boundary and right-of-way monument marker requirements, the separation between street intersection requirements, clear sight triangle requirements, Traffic Impact Study requirements and approve the \$11,150 in-lieu of Traffic Impact Study payment, other impact study requirements, vertical curb and sidewalks requirements, and a Stormwater Management Ordinance waiver request for inlets placed along curved portion of curbing within intersections requirements.

Councilmember Stanko made a motion, seconded by Councilmember Mogel to grant the Highlands the requested waivers from the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance, all in favor, 6-0.

Councilmember Stanko made a motion, seconded by Councilmember Barnett to grant conditional final plan approval subject to all review comments in McCarthy Engineering's review letter dated January 27, 2022, and contingent upon receipt of the \$11,150 in-lieu of traffic impact study fee, all in favor, 6-0.

Councilmember Mogel made a motion, seconded by Councilmember Brunner to table granting 1139 Lehigh Avenue a waiver from Section 305 and 308, of the Stormwater Management Ordinance, all in favor, 6-0.



BOROUGH MANAGER’S REPORT: On motion duly made, seconded and passed, Council approved the Borough Manager’s report dated February 3, 2022.

Acting Borough Manager Bare reviewed the report.

Councilmember Mogel made a motion, seconded by Councilmember Brunner to advertise moving the time for future Personnel committee meetings from 8:00 AM to 11:00 AM, all in favor, 6-0.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to amend the agenda to accept the Western Berks Water Authority meeting minutes. – No public comment was provided.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to accept the Western Berks Water Authority meeting minutes, all in favor, 6-0.

Councilmember Brunner made a motion, seconded by Councilmember Mogel to amend the agenda to approve Resolution No. 2022-07. – No public comment was provided.

RESOLUTION NO. 2022-07- A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA FIXING THE TAX RATE FOR THE YEAR 2022

Councilmember Brunner made a motion, seconded by Councilmember Mogel to approve Resolution No. 2022-07, as to setting the 2022 tax rate, all in favor, 6-0.

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

There was no further review of the report.

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

General Fund	\$ 567,756.63
Water Fund	82,062.70
Sewer Fund	282,399.21
Refuse Fund	65,217.57
Liquid Fuels Fund	<u>23,147.56</u>
	\$ 1,020,583.67

TAX COLLECTOR’S REPORT: On motion duly made, seconded and passed, Council approved the Tax Collector’s report for the month of January 2022.

There was no further review of the report.

OLD BUSINESS:



OLD BUSINESS:

No old business to discuss.

NEW BUSINESS:

No new business to discuss.

PUBLIC COMMENT (non-agenda items):

Adrian Jadic 48 Cardinal Road, indicated attaching documents to be discussed at meetings would be helpful to make comments for the public comment section of the meeting. Council suggested Borough Administration look into website storage capabilities and associated fee, and discuss with the Finance and Administration committee.

The Wyomissing Borough Council meeting adjourned at 9:02 p.m.

Respectfully Submitted, -



Kim Weniger
Assistant Borough Secretary

Approved by:



Stephen D. Brunner
Second Vice President
Wyomissing Borough Council

