

## **WOMELSDORF BOROUGH COUNCIL MEETING**

### **Held at 101 W. High Street on April 4<sup>th</sup> 2023**

Council Vice President Cindy Hopple called the meeting to order at 7:00 pm. The meeting opened with the Pledge of Allegiance.

**Attendees:** Council Members: James Mellon Sr., Connie Keller, Cindy Hopple, Hector Feliciano (left at 7:30 pm), David Craft, Mayor Jennifer Gettle (arrived at 7:24 pm), Police Chief John Pontician, Maintenance Manager - Carl Liptak, Solicitor- Andrew George, Engineer- Jim McCarthy, Borough Manager- Michael Williams, Borough Secretary - Rachel Brown, Secretary – Beth Sattizahn

**Absent:** Bruce Edwards, Shannon Windley

**Minutes:** **Motion** by Mr. Craft, seconded by Mr. Feliciano to approve the March 7<sup>th</sup> 2023 meeting minutes as presented. Motion carried unanimously. **Motion** by Mr. Mellon, seconded by Mr. Feliciano approving the March 21<sup>st</sup> 2023 meeting minutes as presented. Motion carried unanimously.

**Bills to be Paid:** Council members reviewed and discussed the list of bills to be paid. Mr. Mellon questioned the new Comcast bill for phone line at Maintenance Garage. Mr. Williams to follow-up with Comcast. **Motion** by Mr. Mellon, seconded by Mr. Craft to approve the list of bills to be paid as listed in the amount of \$54,068.36. Motion carried unanimously.

**Payroll:** **Motion** by Mr. Feliciano, seconded by Mr. Craft to pay the current payroll. Motion carried unanimously. **Motion** by Mr. Craft, seconded by Mr. Feliciano to pay payroll between meetings. Motion carried unanimously.

**Communications** - Grant Workshop by DCED hosted by Barry Jozwiak on May 4, 2023 at 11 am at Reading Regional Airport, if anyone would like to attend, please let Rachel know to be registered.

#### **Citizens to be Heard -**

Joseph (TJ) Whipple and Jason Sollada from Berks County Christian Softball League (BCCSL) presented proposed modifications to baseball field for safety. Solicitor George will draw up a Memorandum of Understanding. **Motion** by Ms. Keller, seconded by Mr. Craft to approve BCCSL to make the modifications at their own expense. Motion carried unanimously. Mr. Whipple and Mr. Sollada agree to coordinate with Carl Liptak for oversight of the project and specific positioning for a Lock Box at the field.

Eileen Zerbe- 106 S Pine Street - no comment.

David Randler -451 W Penn Ave, Robesonia- Mr. Randler questioned progress of 146 W High St. Mr. McCarthy and Mr. George informed Mr. Randler that it is still an open violation, and unfortunately there is no further information. Mr. Randler then became 'disgruntled'. Did you decide what the work is going to be? What were the prints? What's going to be done? What's the design? Mr. McCarthy replied "I believe we 've been through this several times". Ms. Keller expressed that it has been a year, and it's the second Spring. Solicitor George advised the original NOV was issued last Spring and this is the second Spring with no progress and asks what is the holdup. Mr. McCarthy advised that work cannot be done in the winter. Mr. George advised there have been plans submitted and the property owner has been working with the Borough. Mr. Randler asked what's the progress. There have been several back and forth between property owner's engineer and our Borough Engineer. Mr. Randler asked, is this with the Planning Commission, or where? Mr. McCarthy advised Dave that we've been through this several times. Dave said I know. Jim said and this is not something for public discussion because if you or your business and property were in violation we wouldn't talk about. Mr. Randler expressed that it seems like this is a cover-up, Jim. Mr. McCarthy you can say whatever you want to say - advised that there is a process we have to follow to keep the Borough from being sued and that's what we are following. Unfortunately, you don't like it but I can't help that. We can only follow what the law allows us to do. Randler said unfortunately it's coming up on a year. Mr. McCarthy replied that there's no time limit on how long legal matters take. Mr. Randler replied, OK. Mr. McCarthy replied to Mr. Randler that if he wants to fight it and go to court with us it could take up to ten years. The owners have been cooperative with it and it's advancing. Unfortunately, not at the pace that you or Council would even like and when it stops advancing then we'll turn it over to Mr. George's office and then it'll escalate. We don't want to incur legal fees and go after someone who's being cooperative. Solicitor George adds that

probably wouldn't be productive. Mr. McCarthy agrees that no, we would just be delaying it again, spending our money and their money and nothing would happen. Solicitor George replies "Everybody wishes it was done" Mr. McCarthy agrees that he thinks everybody wishes it was done correctly before they even did it. Unfortunately, they created a violation and we have to follow the protocol that goes with that. Mrs. Hopple asks "is there is anything else, Dave?" Mr. Randler replies "No unless I have to get Council and then we'll all get sued if that's what we have to do because I'm not going to get jerked around another year, I'm not going to do it." Mr. McCarthy said "Dave, this has nothing to do with you. This is a violation of the borough code." Mr. Randler said actually it does have to do with me because we're getting the water runoff on our property." Mr. McCarthy said "well then that's a Civil Matter that you could sue the property owner." Mr. Randler said "Well, No I'll sue the Borough and them, and we'll all go to court." Mr. McCarthy replied "you can sue whoever you want. The manner "of solving a storm water dispute in Pennsylvania is civil action between two property owners. The Borough is protected by lawsuits relating to that." Mr. Randler replied "OK" Mr. McCarthy said "Ok yep you know" Mr. Randler said "No I do know. But uh - Thank you for nothing." Mr. McCarthy replied "You're welcome." Mrs. Hopple interjected, banging the gavel "Ok". Mr. Randler adds "That's why you got fired in Marion." Mr. McCarthy said "We resigned in Marion. Stop saying incorrect facts, Mr. Randler." Mrs. Hopple again interjected banging her gavel "That's enough". Carl, you're next. Mr. Randler continued to mumble. Mr. McCarthy asked Mr. Randler "would you like to repeat that in front of his attorney because it's slanderous, it's not true. You've now said it in front of 20 people at a public meeting."

**Carl Liptak - Public Works/Maintenance-** Carl reports water was turned on at the pool successfully with no leaks. Street sweeping and debris clean up started but there was equipment failure. A hydraulic line failed but has been fixed by Maintenance.

**Borough Manager** - Discussion about MS4. Discussion about VOYA 457B plans. Reported receipt of liquid fuels disbursement. Advised an increase in the Borough Manager's Bond amount from \$225,000 to \$500,000. **Motion** by Mr. Mellon, seconded by Mr. Craft to increase Bond amount to \$500,000. Motion carried unanimously. Traffic Signal Maintenance Agreement with PennDOT to facilitate no cost pedestrian safety improvements to signals at 422 & 419. **Motion** by Mr. Mellon, seconded by Ms. Keller to enter into a Traffic Signal Maintenance Agreement with PennDOT. Motion carried unanimously. Benecon Wellness Grant in the amount of \$1,000 was awarded to the Borough. Advised appointing a voting delegate for the PSAB Conference. **Motion** by Ms. Keller, seconded by Mr. Craft to nominate Mr. Mellon as a voting delegate to attend PSAB Conference. Motion carried unanimously. Reported the transfer of \$500,000.00 to PLIGT Prime.

**Solicitor** - Mr. George advised that Employee Handbook modifications will be completed during the next couple of weeks to be distributed for final approval. Advised to take property lien action against a list of 23 properties with unpaid trash balance over \$500.00. **Motion** by Ms. Keller, seconded by Mr. Mellon to direct Mr. George to file liens against the 23 properties. Motion carried unanimously.

**Engineer** - Mr. McCarthy advises two areas missing sidewalks at Paper Alley. MS4- Once the swale is completed at the DG Market, we can talk more about a waiver.

**S. Windley** - Mrs. Hopple reported on Mrs. Windley's behalf that there is no report and the Rec Board meets tomorrow night, April 5.

**J. Mellon** - Review of property survey at damaged Mulberry Alley guard rail. Mr. Mellon recommends that while it's officially the homeowner's responsibility to fix, recommends the Borough do the repair. Mr. Liptak advises we should ask permission from home owners first. **Motion** by Mr. Mellon, seconded by Mr. Craft to send letters to homeowners for permission to fix the guardrail. Motion carried unanimously. Mr. Mellon reported that UGI has postponed their main replacement project from Water Street to 4th street so they will not be paving that road as previously anticipated. He then indicated the need to confer with McCarthy to be prepared to coordinate curb repairs along high street with any

repaving projects. He stated that there is a grant a neighboring municipality was awarded for a walking path that might help and he will look into that. Discussion if there is any recourse with PennDOT regarding paving of High Street. Mr. George advised there is a 5-year statute where if UGI opened the road, after it was paved, UGI would be responsible to remill the entire street. Therefore, it would make sense for UGI to Coordinate with PennDOT. Mr. Williams will send a letter to Local and District PennDOT contacts addressing the roadway. Mr. Mellon will supply paperwork to document issue and work with Mr. Williams to get letters out to PennDOT. Mr. Mellon recommends we purchase a square cash register for the pool allowing for registration and day pass transactions. The cost would be \$988.00. Motion by Mr. Mellon to purchase the Square system for the pool, seconded by Mr. Craft. Motion carried unanimously. Discussion about sidewalks and ADA ramps at paper alleys.

**C. Keller** - Reports Library Fire and Ice event is moving to the last Saturday in July. Movie night was cancelled and will be rescheduled. She will update in two weeks. Asked Mr. McCarthy if there's anything we can do to move PennDOT along on road resurfacing. Mr. McCarthy advised that residents should contact their local Representative. Ms. Keller inquired to the number of water trucks using the main road. Mrs. Hopple asked that the agreement regarding the water truck traffic be reviewed and revisited at the next meeting.

**D. Craft** - Reports fire company is waiting for nice weather to put the fire siren in place. Fire tax monies received are being used for gear, which was to be obtained by a grant which was denied. Mr. Craft advised Mrs. Craft got the grant for the splashpad submitted. She is also starting the application process for a state matching grant which requires authorization form for Mr. Craft to be designated as the Borough representative regarding the grant application and processing. Motion by Mr. Mellon, seconded by Ms. Keller to approve Mr. Craft as this representative. Mrs. Brown advised this would be considered a resolution and would need a number. Mrs. Hopple also advised that Mr. McCarthy has done an outstanding job assisting with this grant. 2023-02 Resolution adopted unanimously.

**H. Feliciano**- Reports that Mr. Liptak looked at ordering a diving board for pool. Price increased drastically with a 20-week order delay. Current board will last this year and he will keep looking for a viable board for next year.

**C. Hopple** - Mr. Mellon reports that Mr. Williams was hired at \$63,000 with a review at 6 months. **Motion** by Mr. Mellon to increase Mr. Williams' salary to increase by \$5,000, a 7.9% increase to \$68,000 effective March 7th, seconded by Ms. Keller. Motion carried unanimously. Mrs. Hopple is still waiting for War Memorial bid. Mr. Williams advised of a fund controlled by Berks County Community Foundation. Mrs. Hopple will look into. Swim team is going strong with 9 brand new members. Mrs. Hopple began discussion about bids for Painting of roof and rest of the building, along with carpet bids.

**Mayor Gettle** – No report

**Chief Pontician** – Reviewed Monthly reports for February, and noted 51 incidents for the month of March. One notable incident involving an alcohol and firearm discharge and was charged with reckless endangering. Ms. Keller asked about the traffic sign placement. Chief Pontician advised they were changing up the location and are working on the next spot.

Mrs. Hopple advised that Mr. Edwards is home recovering well from surgery.

With no further business to be brought before Council, **Motion** by Ms. Keller, seconded by Mr. Craft to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Beth Sattizahn  
Secretary