

**BOROUGH OF WEST READING
BOROUGH COUNCIL MEETING**

June 9, 2022 – 6:00 p.m.

West Reading Borough Council held a special meeting and conditional use hearing at Borough Hall on Thursday, June 9, 2022 with the following persons present: Council President Ryan Lineaweaver; Council Pro-Tem Christopher Lincoln; Council Members Jennifer Bressler, Patrick Kaag, Denise Drobnick, and Zachary Shaver; Mayor Samantha Kaag; Solicitor Joan London; Officer-in-Charge Ryan Phillips; Fire Chief Chad Moyer; Fire Marshall Troy Hatt (via Zoom); Code Department Manager Cathy Hoffman; Borough Manager Dean Murray; and Borough Secretary Cynthia Madeira. Council Vice President Philip Wert was unable to attend.

VISITORS:

James Rogers, Resident	Suzanne Thompson, Resident (arrived 6:30 p.m.)
Eugene Orlando, Jr., Esquire	Karen Livingood, Resident (via Zoom)
Nicole Brown, Holcomb Associates, Inc.	William Moffett, PF Franklin Manor, LP
Pamela Seaman, Berks County Office of Mental Health and Developmental Disabilities	

1. **CALL TO ORDER:** Council President Ryan Lineaweaver called the meeting to order at 6:11 p.m., which was followed by the Pledge of Allegiance and Roll Call.

2. **EXECUTIVE SESSION:**

Mr. Lineaweaver noted an executive session that was held today at 5:30 p.m. to discuss personnel matters.

3. **AGENDA AMENDMENTS:**

Mr. Lineaweaver reported that executive session matters did not require amendments to the agenda.

4. **CONDITIONAL USE HEARING:**

A motion was made to recess the business meeting at 6:12 p.m. to open the public hearing for the conditional use application. **Moved** by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 6-0.**

Ms. London announced that this is the time, date and location advertised for the hearing by Borough Council on the application of Holcomb Associates, Inc. for the property located at 401 Buttonwood Street for conditional use approval to authorize the use of the facility for residential mental health services for up to six adults needing support to return to the community.

Ms. London provided an overview of the following procedural exhibits associated with the hearing:

1. The conditional use application of Holcomb Associates, Inc.
2. Public hearing notice.
3. An affidavit of publication from Media News Group, publisher of the Reading Eagle stating that the notice was published on May 23, 2022 and May 30, 2022.
4. An affidavit of posting the notice at Borough Hall on May 20, 2022.
5. An affidavit of posting the notice on May 26, 2022 at 401 Buttonwood Street.
6. An affidavit of mailing notices to adjacent property owners.
7. Review letter from Systems Design Engineering, dated June 7, 2022 signed by Michael Rohrer, Township Planning Consultant.
8. An email to Cathy Hoffman from Fortna, Inc. granting permission to Holcomb Associates, Inc. use of sixteen parking spaces at 333 Buttonwood Street through August 31, 2022.

There were no questions regarding the exhibits. Attorney Orlando entered his appearance on behalf of the applicant Holcomb Associates, Inc. James Rogers entered his appearance to provide testimony as a resident residing roughly three-hundred feet from the entrance to 401 Buttonwood Street.

Attorney Orlando identified the following two witnesses:

- Pamela Seaman, County Health Administrator
- Nicole Brown, Chief Operating Officer of Holcomb Associates, Inc.

Both witnesses were sworn in and Attorney Orlando provided Applicant Exhibits to Borough Council. Attorney Orlando explained that the application had been filed by Attorney Dietrich prior to visiting the property and therefore was not worded in the best way possible. The application describes the use as two different uses, when the use is a singular use as mental health care. Ms. Seaman will testify as to the County contracts with Holcomb Behavioral Health System, and Ms. Brown will testify as to the entire activity and use of the facility.

Ms. Seaman testified that she is employed by the County of Berks as the Mental Health and Developmental Disabilities Program Administrator. The County provides assistance to various mental health agencies, including Service Access & Management, Inc. (SAM). SAM has an agreement with Holcomb Behavioral Health Services to provide a portion of these mental health services and Ms. Seaman confirmed that Exhibit A-2 is a portion of the aforementioned agreement. Ms. Seaman confirmed that the County also has a contract that authorizes Holcomb Associates, Inc. to acquire facilities for the proposed program and confirmed that a portion of this agreement is included in Exhibit A-2. Ms. Seaman described the overall program that Holcomb Associates is being asked to administer as licensed crisis, or mental health intervention and residential services that includes telephone, local, and walk-in assistances.

There were no questions for Ms. Seaman.

Ms. Brown testified that she is the Chief Operating Officer of Holcomb Associates, Inc., (Holcomb) also known as Holcomb Behavioral Health Services and is authorized to testify on behalf of Holcomb. Ms. Brown confirmed that Exhibit A-1 is the proposal submitted to the County by Holcomb describing the program that would be provided. Holcomb is a comprehensive mental health provider offering outpatient and residential services to children, adults, and families.

Ms. Thompson arrived at 6:30 p.m.

Ms. Brown provided a summarization of the services proposed for the 401 Buttonwood Street location that would offer a 24/7, six bed residential crisis program to individuals experiencing mental health issues that would need time to learn coping skills, stabilize and return to their home. Another aspect of the program would be a 24/7 crisis hotline that includes mobile outreach, and walk-in services.

Ms. Brown confirmed that Exhibit A-3 is a Certificate of Occupancy issued to Reading Health System for 401 Buttonwood Street as well as a Decision from Borough Council on a conditional use application for a similar use by Reading Health System. The decision allowed the use of an inpatient drug and alcohol detoxification facility. Ms. Brown indicated that involuntary drug and alcohol detoxification services would not be provided by Holcomb. Reading Health System holds a long-term lease of the facility and authorized Holcomb to execute and submit a conditional use application as demonstrated in Exhibit A-4. Images of the exterior and interior of the facility were described by Ms. Brown in Exhibit A-5, noting that the existing interior signs, such as Counseling Room would remain unchanged. There

are no proposed interior or exterior renovations to the building with the exception of an exterior sign. A colored floor plan in Exhibit A-6 was reviewed. The overall building provides 11,213 square feet with only 364 square feet dedicated to outpatient offices. The majority of the square footage use would be applied towards crisis center use.

The original application proposed twelve administrative offices, this was an inaccurate depiction since Holcomb's records are in an electronic format, and the space would be allocated towards program related activity such as a supervisor or assistants office. The second engineer review letter, illustrated in Exhibit A-7, item number one requests clarification regarding the proposed residential program and how it relates to the definition of long-term care. Attorney Orlando referred to Exhibit A-8, page 2 that provided the Borough Zoning Ordinance definition of Care Facility, Long-Term as "An institution or part of an institution that is licensed or approved to provide health care under medical supervision for 24 consecutive hours or to two or more patients. Group care facilities and family care facilities are excluded from this definition." Ms. Brown confirmed that the proposed use would provide licensed services to individuals in excess of 24 consecutive hours, and to two or more individuals. Attorney Orlando then referred to item two of the engineer review letter that responded to the reference of twelve offices and clarified that the primary function of the proposed service resembles the definition of Hospital in that it would be an institution receiving mentally disabled inpatients. Item number three of the engineer review letter had been confirmed earlier that only 364 square feet would be used for outpatient services. Item number four of the engineer review letter indicates that the revised number of required off-street parking spaces based on application revisions totals thirteen, below the twenty available off-street spaces. Ms. Brown confirmed that the proposed use would not create any traffic congestion, cause adverse impacts such as light, noise, or pollution, nor any type of impact to the surrounding community.

Mr. Lincoln referred to the colored floor plan and requested clarification that the illustrated detox rooms pertained to the previous use. Ms. Brown confirmed that layout depicted the previous hospital use.

Mr. Kaag requested clarification that there would not be twenty beds as depicted in the floor plan. Ms. Brown confirmed that beds would be removed to bring the total to six. Mr. Kaag also requested clarification as to the term fit-out in the application to determine whether there would be any type of interior construction. Ms. Brown indicated that there are no plans to renovate the interior or exterior of the property.

Ms. London requested confirmation that the licensure of the facility would be limited to six beds. Ms. Brown confirmed that the number of beds is limited by the County. Ms. London requested an overview of the planned security features. Ms. Brown indicated that with a voluntary program the doors are not locked however, there is a security camera with staff available 24/7. Currently there are no plans to provide dedicated security personnel, nor do they have dedicated security personnel at their other facilities. Should safety concerns arise in the future safety personnel could be added. The maximum number of employees on staff at one time would be twelve, eight in the call center and four in the residential area. Outpatient counseling may be considered in the future, currently there is an alternate outpatient center nearby on Reed Avenue. Ms. Brown understood that if services are intended to expand to provide outpatient counseling that an application would first be made to Council. At this time when a patient leaves the facility and requires outpatient services, they would be referred to an alternate facility of their choice.

Sergeant Phillips requested clarification on the number of staff members available outside of normal business hours. Ms. Brown indicated that there would be less staff after hours and that the residents would have a key fob to access the facility after hours. The reception area would be staffed from 8:00 a.m. to 8:00 p.m., the hotline area would be staffed 24/7. The medical staff on duty would be a nurse and an on-call psychiatrist.

Ms. Drobnick inquired as to the removal of beds. Ms. Brown indicated that each person would have their own bedroom and the excess beds would be removed.

Mr. Kaag inquired as to a maximum number of days a patient would be allowed to reside. Ms. Brown indicated that an extension could last up to twenty-one days.

Mr. Lineaweaver inquired as to a standard protocol should the facility be at maximum capacity and another individual is in need of services. Ms. Brown indicated that they would be referred to their outpatient service provider or Reading Hospital dependent on the severity of their symptoms.

Ms. London asked Mr. Rogers if he had any questions for the witnesses. Mr. Rogers indicated that he only had a comment. Ms. London requested that he hold his comment for the upcoming comment period.

Attorney Orlando requested Ms. London to refer to page two of the engineer review letter to confirm that the outpatient treatment is a minor use of the property that could be considered ancillary to overall activity. Attorney Orlando requested that Exhibits A-1 through A-7 be moved into evidence. Ms. London indicated that they would be admitted.

Mr. Rogers was sworn in to provide testimony. Mr. Rogers indicated that as a neighbor he appreciated the efforts to locate additional parking from Fortna, Inc. to alleviate on-street parking constraints.

A motion was made to enter into an executive session at 7:09 p.m. to deliberate a decision. **Moved** by Mrs. Bressler and seconded by Ms. Drobnick. **Motion carried 6-0.**

Borough Council reconvened the conditional use hearing at 7:23 p.m.

Motion to approve the conditional use application to Holcomb Associates, Inc. for the property located at 401 Buttonwood Street, West Reading subject to following conditions:

1. Any expansion to the outpatient service area beyond the proposed 364 square feet would require additional zoning relief;
2. Compliance with all applicable statutes, regulations, ordinances, and procurement of applicable permits from the Borough;
3. Operation of the facility shall be in accordance with evidence and testimony offered by the applicant tonight.

Moved by Mrs. Bressler and seconded by Ms. Drobnick. **Motion carried 6-0.**

Ms. London noted that she will provide a written decision within forty-five days.

Attorney Orlando, Ms. Brown, and Ms. Seaman departed the meeting at 7:26 p.m. and the Special Council meeting reconvened.

5. PUBLIC COMMENT:

Mr. Rogers shared that he discovered today that based on the school district acquiring the Obold Street parking lot via eminent domain from Franklin Manor that this overrules the Zoning Hearing

Board decision. Ms. London confirmed that a body with the power of eminent domain, similar to that of the Borough, the school district, in addition to its powers of eminent domain, also has wide leeway in land use matters for facilities within the school code. The school district did acquire the Obold Street parking lot, and the acquisition of such cannot be held against a private property owner when a power with eminent domain takes a portion of their land because it is a condition that is of no fault of its own.

Mr. Rogers expressed concern regarding the lack of insect screens on approximately eighty windows at the Franklin Manor complex and hopes this is taken into consideration prior to lifting the condemnation.

Ms. Thompson expressed her desire to obtain a status report on the Franklin Manor complex with regards to finances, insect screens and carbon monoxide exhaust system that serves the parking garage.

Mr. Rogers noted an action item this evening to offer the position of Chief of Police and a right-to-know request that he submitted requesting information pertaining to interviews, test results or anything else conducted to select a new Chief of Police and the response elicited a thirty-day extension for legal review. Ms. London indicated that the request required a pretty extensive search of files with limited Borough staff and secondly certain items such as test scores and subjective or sensitive private comments, as well as unsuccessful candidates' results are exempt from the right-to-know law.

6. **ORDINANCES / RESOLUTIONS:**

Resolution 2022-6 Industrial Waste Surcharge – An amendment to surcharges assessed against industrial wastes.

Motion to approve Resolution 2022-6 Amendment to Industrial Waste Surcharges effective July 1, 2022. **Moved** by Mr. Lincoln and seconded by Mr. Shaver. **Motion carried 6-0.**

7. **COUNCIL PRESIDENT'S REPORT:**

Mr. Lineaweaver indicated that he had nothing new to report at this time.

8. **BOROUGH MANAGER'S REPORT:**

- a. **Lifeguard Hire** – Mr. Murray requested consideration to ratify the hiring of Aimee Griffith as a lifeguard noting that the pool was short staffed last weekend, and Ms. Griffith is the swim instructor for lifeguard certification classes.

Motion to approve the hiring of Aimee Griffith as a lifeguard at a rate of \$10.25 per hour.

Moved by Mr. Shaver and seconded by Mr. Kaag. **Motion carried 6-0.**

- b. **Assistant Police Secretary Resignation** – Mr. Murray requested consideration to accept a letter of resignation from Allen Heist as the Assistant Police Secretary.

Motion to accept the letter of resignation from Allen Heist as the Assistant Police Secretary.

Moved by Mrs. Bressler and seconded by Ms. Drobnick. **Motion carried 6-0.**

- c. **Vacancy Board Meeting** – Mr. Murray requested authorization to advertise a Vacancy Board Meeting on June 21st to fill the Tax Collector position. The one write-in candidate has not responded to multiple attempts to contact, nor completed onboarding tasks to date. Too much time has passed to allow Council to appoint a Tax Collector.

Motion to authorize the advertisement of a Vacancy Board Meeting on Tuesday, June 21, 2022 at 7:00 p.m. to fill the vacant Tax Collector position. **Moved** by Mrs. Bressler and seconded by Mr. Shaver. **Motion carried 6-0.**

- d. **Chief of Police Contract** – Mr. Murray requested consideration to enter into an employment contract with Wayne Holben for the Chief of Police position.

Motion to enter into an employment contract with Wayne Holben as the Chief of Police. **Moved** by Mr. Shaver and seconded by Mr. Lincoln. **Motion carried 6-0.**

- e. **Franklin Manor Condemnation** – Mr. Murray reported that all outstanding fees have been satisfied, including business privilege taxes, and the carbon monoxide alarm has been tested and passed inspection.

Mr. Lincoln requested assurance that an interval of inspections by the Fire Marshal and Code Department would be established to monitor and deter the property from sliding back into a similar condemned condition.

Mr. Hatt recommended monthly visits as they begin to rent these units, and extend the interval to a quarterly, and annual basis should these inspections continue to be found satisfactory. Unannounced visits would be performed on receipt of a complaint. Mr. Hatt noted the inability to access the structure unannounced via the locked or secured entry points, and use of Knox Box keys would be considered trespassing. Mr. Hatt recommended that a call be placed to the property manager the night before an “unannounced” visit.

Chief Moyer requested Mr. Hatt to explain the window screen requirement. Mr. Hatt indicated that not every window is necessary to operate or require a screen. In the scenario of a bedroom, a minimum of one window must be operable and have a screen.

Sergeant Phillips requested access either via a key, key fob or access code to the building in order to respond to emergencies as has been normally practiced in the past to avoid damage to the building. Mr. Moffett indicated that a master key would be provided to the police department.

Mr. Moffett requested meetings to be scheduled on Monday’s while he is in town. Mr. Lineaweaver requested a list of contacts be provided to Borough staff.

Motion to lift the condemnation of 400 Franklin Street under the following conditions:

- Facilitation of rental inspections prior to renting units.
- Perform monthly scheduled inspections per the Fire Marshal’s recommendation that could be relaxed to quarterly or annual inspections should the property continue to be maintained in a satisfactory condition.
- Perform unannounced inspections on receipt of a complaint.
- The Knox Box will contain a master key or main entrance and individual unit keys to facilitate access to the entire property.
- Contact information shall be provided for property manager’s both locally and remotely.

- A key fob or access code shall be provided to emergency services such as police, fire and EMS.

Moved by Mr. Kaag and seconded by Mr. Lincoln. **Motion carried 6-0.**

9. **PUBLIC COMMENT:**

Ms. Thompson reported that she has never physically been inside the Franklin Manor complex but she is aware that the International Property Maintenance Code requires ventilation of habitable rooms, food preparation areas, and food service areas via approved tightly fitting screens to provide insect control. The annual timespan of this requirement is May 1st through October 15th. With regards to bathrooms, an operable window or ventilation system is required.

10. **ADJOURNMENT:** Motion to adjourn the meeting at 7:53 p.m. **Moved** by Mr. Shaver and seconded by Mr. Lincoln. **Motion carried 6-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary