BOROUGH OF WEST READING
PLANNING COMMISSION

WEDNESDAY, JULY 1, 2020

The West Reading Planning Commission met for their regular meeting on Wednesday, July 1, 2020 at 6:00 p.m. via a Zoom Meeting with the following persons present: Chair Philip Wert; Vice Chair Christopher Lincoln; Jennifer Bressler, Christin Kelley, Daniel Horman, Maria Napoli; Borough Manager Nicholas Imbesi; Code Department Manager Cathy Hoffman and Borough Secretary Cynthia Madeira. Terry Siggins, Tracy Fiedler and Joseph Scoboria were unable to attend.

Visitors: None

Mr. Wert called the meeting to order at 6:04 p.m.

Approval of Minutes
Motion to approve the February 5, 2020 Planning Commission minutes. **Moved** by Mr. Lincoln and seconded by Mr. Horman. **Motion carried 5-0.**

New Business

a. **Certificate of Occupancy Ordinance Update –** Mr. Wert provided an overview of an ordinance amendment that would require the issuance of a use certificate prior to the sale of a property in order to comply with state regulations. A system has been in place for quite some time, and this amendment would codify these changes.

   Motion to recommend approval of Chapter 180 Certificate of Use and Occupancy ordinance amendment contingent upon solicitor comments. **Moved** by Mrs. Bressler and seconded by Mr. Lincoln. **Motion carried 5-0.**

b. **Rental Property Ordinance Update –** The committee reviewed and discussed the following solicitor comments:

   - A revised definition of Disruptive Conduct was reviewed and decided to be a more cohesive definition, however, the reference to "consumption of an alcoholic beverage in public" should be removed from the definition. Also, the recommendation to remove the reference of a 50' distance for audible noise was agreed upon to allow enforcement where applicable.
   - The reference to a Disruptive Conduct Report form was agreed to be removed in order to avoid attaching the form to this amendment.
   - The distinct use of Landlord and Owner throughout the ordinance will be reviewed and corrected by staff for proper utilization.
   - The reference to co-partnership within the definition of Owner will be removed. Also, the extensive definition of owner will be revised as recommended by the solicitor.
   - The recommended addition to the definition of Person was agreed upon.
   - The recommendation to remove "multiple-family dwellings, rooming units and one and two-family dwellings" from Chapter 355-3 Scope was agreed upon since this information is already included in the definition of Residential Rental Units.
   - Under Chapter 355-4 Responsibility, the reference to "structure" will be changed to "residential rental unit as recommended.
   - Under Chapter 355-5 Duties of owners and managers of residential rental units the suggestion to add the requirement to provide a copy of this Chapter to each tenant was discussed at length. It was decided to discuss liability issues in ensuring tenant receipt of this documentation with the solicitor prior to making a decision.
   - To remove confusion within Chapter 355-6 Adoption of rules and regulations, the revised wording that would allow the Code Enforcement Officer to propose rules and regulations necessary for its administration to Borough Council for approval was agreed upon.

- The recommendation to attach a sample report to the ordinance will be discussed with the solicitor as to the benefits of doing so and the need to amend the ordinance should the form(s) be revised. Also, the ten-day requirement to notify the Borough of a change in occupancy was discussed at length. Options such as a moving permit to obtain the move-in and move-out activity in a timely manner were discussed. Further research is needed prior to making a decision.
- For consistency it was recommended to use the defined term of Permit and remove references to license.
- Chapter 355-11 Inspections will be discussed further with the solicitor to avoid legal disputes.
- As suggested, the reference to probable cause within the inspection chapter will be removed in its entirety.
- The reference to warrants within the inspection chapter was suggested to be removed from this ordinance while creating a separate administrative warrant ordinance. The committee agreed that outlining when and where administrative warrants are prudent would be helpful to staff members.
- The solicitor noted that under Chapter 355-14 Disruptive conduct appeals the Housing Review Board would have the authority to allow a variance. The committee agreed that the Housing Review Board should make a recommendation to Borough Council for variance approvals. Also, the committee agreed to request guidance from the solicitor regarding this entire section.
- The recommendation to remove Chapter 355-15 Share information in its entirety was agreed upon due to Right-to-Know laws.
- The duplication of emergency and health/safety/welfare paragraphs within the enforcement; notice; appeal section was decided to remove the second paragraph.

Ms. Kelley and Mrs. Hoffman departed the meeting at 7:30 p.m.

- The recommendation to add “failure to comply with any other provision of this Chapter” to the list of violations and penalties was agreed upon.
- Further discussion with the solicitor is needed for fines associated with civil penalties.
- The recommendation to add the new ordinance chapter to the tenant covenants and obligations was agreed upon. Also, item number six under the tenant covenants and obligations of the addendum will include the updated Disruptive Conduct definition.

c. **Short Term Rental –** At the recommendation of staff, the committee discussed the inclusion of short-term rentals within the Rental Property ordinance. It was suggested to explore municipal ordinances for options such as inspection intervals and permitting requirements that may require a separate short-term rental ordinance.

d. **Wireless Communication Facility –** The Code Department Manager shared a request from AT&T to place an antenna on top of the Ballroom building on Penn Avenue. It was noted that it is unknown if the building has been placed on the National Register of Historic Places and the Borough currently does not have historic district designations. Per the wireless communication facility ordinance, it is encouraged to collocate facilities upon existing poles within the Borough and proof of a lack of collocation possibilities is a requirement of the conditional use request. The committee suggested that AT&T research historic designation for this property since the Borough does not have this information on file.

Adjournment
Motion was made to adjourn the meeting at 7:51 p.m. by Mr. Lincoln and seconded by Mrs. Bressler. **Motion carried 4-0.**

Respectfully submitted,

Cynthia Madeira
Borough Secretary