



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY

February 16, 2021
5:00 P.M.
Virtual Meeting

COUNCIL MEMBERS PRESENT:

J. Waltman, J. Cepeda-Freytiz, M. Goodman-Hinnershitz, D. Reed, L. Sihelnik (all electronically), M. Ventura, S. Marmarou (via dial-in)

OTHERS PRESENT:

L. Kelleher, K. Cochran, W. Stoudt, E. Kraft, A. Alvarez, S. Smith, M. Rodriguez, A. Amoros, F. Denbowski, S. Rugis, M. Fegely, R. Torielli, J. Abodalo, J. Kelly, T. Krall, C. Crespo

Prior to the start of the COW, an executive session was held on agency business as per PA Sunshine Act Title 65 § 708. Executive Sessions (a) 5. The session started at approximately 5:05 pm and the following individuals attended: E. Kraft, L. Kelleher, A. Amoros, R. Torielli, F. Denbowski, J. Waltman, L. Sihelnik, M. Goodman-Hinnershitz, M. Ventura, S. Marmarou, D. Reed, J. Cepeda-Freytiz, M. Smith. The session concluded at approximately 5:30 pm.

The meeting was called to order at approximately 5:35 pm by Mr. Waltman. Due to the COVID-19 Emergency Declaration, the public is prohibited from physically attending the meeting. The meeting is convened via virtual app.

I. Pollution Reduction Plan (PRP) Amendment

Mr. Krall explained that the City has prepared an amendment to its PRP for a portion of the Tulpehocken Creek watershed with a Best Management Practice feature (BMP) - a raingarden to be located at west end of Columbia Street and a second BMP raingarden, to be located at the south end of Warren Street, where the street dead-ends at the Warren Street Bypass. Both BMP's features will be located within the City right-of-way.

Mr. Krall stated that the revised PRP is available for public review on the City of Reading's website at: <https://www.readingpa.gov/content/pollution-reduction-plan-2021>. The ordinance will be introduced at the March 8th Regular meeting and enactment may occur at the March 22 Regular meeting. Interested parties may submit verbal or written comments during the 30-day

comment period beginning on the date of this February 15th advertisement. He noted that the amendment has been reviewed with the PA DEP prior to the advertisement.

Ms. Reed noted that the raingarden on Warren Street is adjacent to a community garden managed by residents. She suggested a meeting with the group to inform them about the installation of the rain garden. She noted that it would be beneficial to also include Glenside Elementary School students and staff.

Ms. Reed noted that there are no storm sewers in the Glenside. Mr. Krall agreed noting that the consultant identified that issue, noting that the rain water collects at dead-end portion of Warren Street making it an ideal location for a raingarden.

Ms. Sihelnik inquired if the plan would need to be amended again after the installation of the raingarden on the Museum property. Mr. Krall stated that if the raingarden is added to the PRP for the Wyomissing Creek area then an amendment would be required. He noted that the Wyomissing Creek area MS4 is managed through a partnership of adjacent municipalities and that the addition of a raingarden would benefit the creek area.

There was no further discussion and Mr. Krall left the meeting.

II. Loitering and Panhandling Ordinance Review

Ms. Reed stated that this draft ordinance has been reviewed during a COW several times since its revision and various parties have expressed reservation and objections about multiple components. She stated that if some believe that this ordinance is redundant or too heavy handed for challenged individuals she is willing to withdraw the ordinance.

Ms. Goodman-Hinnershitz expressed the belief that the ordinance requires further fine tuning which can be easily achieved through these discussions. She asked Chief Tornielli to speak on the need for this ordinance.

Ms. Sihelnik inquired if this ordinance is truly needed or if the existing issues can be eliminated through community conversations.

Ms. Cepeda-Freytiz noted that there are an abundance of social service agencies that provide services to the individuals who identify as homeless and are targeted through the ordinance. She questioned the ability and willingness of these agencies to assist, noting that some individuals impacted by this ordinance are unwilling to accept services or treatment. She noted the behavioral transiency of those impacted by this ordinance and she questioned if the problems could be cured through the installation of No Loitering/Panhandling signage or by requiring a permit to undertake panhandling. She noted the need for a collective and collaborative approach to this issue.

Mr. Waltman agreed that panhandling/loitering is a social issue for individuals having a broad spectrum of behavioral and/or mental health issues. He expressed the belief that existing laws such as the loitering law or the obstructing traffic laws currently on the books can be used to curb this problem and a new ordinance is unneeded. He stated that while he understands the spirit of the ordinance collaboration with social service agencies may yield a better result. He questioned why the ordinance is being proposed by a Council member, rather than by the administration.

Ms. Reed noted that the need for this ordinance was originally requested by former Councilman Slifko and then at the request of the Police Department after they found that the existing ordinances were ineffective as charges were dismissed by the MDJs.. She stated that Ms. Kelleher worked closely with various police officers in all ranks to build this ordinance in a manner which may be more amenable to the MDJs due to the replacement of a large fine and potential jail time with counseling and community service. She noted the need to eliminate the atmosphere created by loitering and panhandling to build a safer community for residents and visitors. She expressed the belief that the ordinance will benefit the public good.

Ms. Cepeda-Freytiz suggested further refining the draft legislation with police representatives and representatives from social service organizations.

Ms. Goodman-Hinnershitz volunteered to participate on the task force to refine the legislation and she agreed that those involved in panhandling and loitering come from a wide spectrum of behavioral transiency.

Chief Torielli stated that the Department needs a tool to properly address panhandling and loitering as the current laws are ineffective and are usually dismissed by the MDJs. He noted that as officers become experienced they can identify those with various behavioral or mental health issues, noting that officers are also provided with various levels of training on how to interact and deal with these individuals.

Chief Torielli noted that the ordinance is crafted to identify people who are panhandling that are homeless or have mental health issues, and allow the city to get those individuals into the proper programs, which is the best compromise as opposed to fining and threatening the imprisonment of these individuals. However, he added that some individuals are unwilling to obtain counseling or help from social service agencies. He stated that some agencies will talk about their willingness to assist the Police, but at 3 am that willingness falls flat.

Ms. Kraft expressed the belief that the ordinance is a good draft that can be tweaked and enacted. She inquired about which existing laws have been ineffective.

Sgt. Fegely explained his experience while working in Patrol during most of his tenure with the Department. He said that when an officer arrives at the scene he makes a determination on the need of the situation. In most cases the individual is taken to a hospital or to Central

Booking to either sober up or to be processed. He stated that the arriving officer is not trying to disrupt the constitutional rights of an individual but trying to resolve the situation that created the need for the complaint call to the Desk Sergeant. He stated that if the individual is moved into the court system they are charged with a non-traffic summary offense, which is dismissed by the MDJ. All approaches are not attempting to eliminate someone's freedom, but to resolve the situation at hand.

Ms. Reed inquired about why panhandling and loitering is not a problem in West Reading. Sgt. Fegely explained that the West Reading Department is more heavily manned and they have the resources to concentrate on their downtown area, which Reading does not. West Reading also has a \$600 fine which is a strong deterrent and an MDJ who most times will not dismiss the charges, another deterrent.

Through the Chat feature, Ms. Kelleher noted that many of the terms in the West Reading ordinance mirror those used in this draft.

Borough of West Reading Chapter 418 Peddling, Soliciting, Transient Retail Sales and Mobile Vendors

§ 418-11 Prohibited acts and suspension of license.

B. It shall be unlawful for any person to engage in peddling or soliciting in an aggressive manner. As used in the section, "aggressive manner" means either approaching a person present at the residence or continuing the peddling or soliciting activity after the person has made a negative response, whether before or after being invited into the residence, in a manner that:

- (1) Is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in a person's possession or in or about the residence; or
- (2) Is intended to or is likely to intimidate the person into responding affirmatively to the peddling or soliciting activity; or
- (3) To refuse to display a permit to the person being solicited; or
- (4) To refuse to leave premises upon being told to do so by the owner, tenant, occupant or person in control of the property; or
- (5) In violation of a sign properly posted on said property that prohibits solicitations.

G. Engage in any activity that interferes with the safe and convenient movement of persons and vehicles, creates any hazardous condition or is detrimental to the public health safety or general welfare.

§ 418-12 Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of

enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Berks County.

Ms. Goodman-Hinnershitz suggested developing the social service resources and getting input from the CJAB (County Justice Advisory Board).

Mr. Marmarou noted that there are very aggressive panhandlers in District 4 who often threaten him and others. He noted the need for a solution that resolves this problem.

In response to a question Chief Tornielli noted that without support from the social service agencies and without support from the Court system, issues with these individuals gets repeated multiple times. Repeat offenders become known to officers and the officer is left without the tools required to permanently correct the situation. He stated that this ordinance will attempt to stop that revolving door.

Ms. Sihelnik agreed with the need for further review of this issue to develop solutions that may include legislation.

Ms. Goodman-Hinnershitz expressed the belief that this discussion was a good beginning. She suggested utilizing the existing ordinances in the meantime.

Mr. Waltman suggested improving the judicial side through work with the task force and asked all to continue to work to provide a balance that can resolve this problem.

Ms. Kelleher reminded the group about the city's continual problems with getting dismissals from MDJs on Property Maintenance violations, which caused the implementation of the QoL program.

Ms. Cepeda-Freytiz, Ms. Goodman-Hinnershitz, Ms. Reed, Ms. Kelleher and Mr. Rugis volunteered to participate on the task force.

IV. Other

The meeting scheduled for tomorrow was canceled.

The meeting adjourned at approximately 6:40 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*