



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY
August 30, 2021
5:00 P.M.
Hybrid Meeting

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

L. Kelleher (in person), M. Rodriguez, F. Lachat, S. Smith, F. Denbowski, S. Rugis, J. Long, C. Crespo, A. Amoros, W. Stoudt, J. Abodalo, J. Kelly, E. Moran, R. Torielli, N. Judge, B. Murray, T. Krall, S. Looney (RACC), K. Dearstyne (RACC), A. Othuon (RACC), J. London (RACC), G. Boggia (RACC) - all electronically

The meeting was called to order at approximately 5:03 pm by Mr. Waltman. Due to COVID-19, the meeting is convened via virtual app with the meeting link and dial-in phone number available on the published meeting agenda. There is a public viewing area in the Penn Room.

I. RACC Street Vacation

Ms. London introduced her colleagues representing the proposed RACC project. She stated that two ordinances have been prepared to vacate a .56 acre portion of 2nd and Penn Streets and S. Front and Spruce Streets and transfer the properties to RACC so the properties can be included in RACC's improvement project. The proposed project will provide wayfinding signage, pedestrian walkways, planters, etc. which will improve the appearance of the gateway to the college and to the City. She added that these improvements will also uplift the neighborhood. She noted that these areas are already maintained by RACC.

An aerial photograph was displayed showing the areas to be vacated outlined in yellow. Zoning and Planning have reviewed the plan for the area. Ms. London stated that she has been in contact with PennDOT to inquire about their permitting process and she learned that PennDOT rights-of-way are not included in this project so no PennDOT permits are required. She noted that PennDOT would only be involved if a project encroached onto Penn Street, which is not part of this proposed project. She noted that the proposed ordinances also

provide the City with an easement for utilities and public use of the sidewalks. The easement agreements and annexation agreements will be provided to the City.

Mr. Marmarou inquired if members of the public have expressed any concerns about this project. Dr. Looney stated that the proposed project is part of the RACC Master Plan and the project was widely supported. Ms. London noted that public comment can also occur as the ordinances are going through the required enactment process.

Ms. London stated that RACC would like to finish the project before their 50th anniversary celebration in early November. She stated that as the Third Class City Code requires a 28 day layover period for street vacations, she questioned if the City would permit RACC to begin the project while the process to vacate the areas is underway. She stated that RACC is willing to provide indemnification agreements and any other insurance the City might require.

Ms. Goodman-Hinnershitz thanked the RACC representatives for the presentation and she expressed support for allowing the project to proceed while the enactment process is underway.

Mr. Waltman agreed with allowing the project to proceed, noting that originally there was a side street running parallel to the Penn Street Bridge, between the former hotel and the bridge. He stated that at some point this area was also vacated.

Mr. Moran expressed support for allowing the project to proceed during the enactment process.

Ms. Goodman-Hinnershitz inquired if RACC is located within the flood plain. Ms. London replied in the affirmative.

Ms. Reed noted the importance of RACC's history and the transformation of the area due to the Hurricane Agnes and a more devastating storm in the late 1800s.

Mr. Waltman asked Ms. London to work with the Law Office on the documents that will allow the project construction to begin. He inquired about the receipt of the ordinances. Ms. Kelleher stated that both ordinances have been received and they will be introduced at the September 13th meeting, with advertisement dates of September 20th, 27th and October 4th. The ordinances are eligible for enactment on October 12th.

The RACC representatives left the meeting at this time.

II. Bernhart's Dam

Mr. Waltman noted the history of the City's work on this park and the 2016 report from the PA DEP that places the dam in the high risk category and calls for it to be repaired or removed. He noted that due to faulty valves, the water level cannot be lowered easily to allow a dam

inspection. Instead the dam professionals suggest lowering the dam to lower the water levels and allow the inspection. However, this was delayed due to the lead contamination in parts of the park that remain un-remediated and will be newly accessible to the public when the lake volume is reduced.

Mr. Rugis stated that a three phase plan has been developed, beginning with additional lead testing, lowering the dam breast to allow the inspection of the dam so the City can consider repair of the dam. He noted that the City insurance company has demanded that the lake be dewatered to allow the inspection of the dam breast and the insurance company plans to discontinue insuring the dam at the start of 2022. He stated that environmental attorneys Mr. Beane and Ms. Curran-Myers are assisting. He stated that further remediation can occur with assistance from the County and Superfund grants.

Mr. Rugis noted the need to consider the 100 year old ecosystem that was created by the dam. He noted that PA DEP has requested the complete removal or replacement of the dam; however, it is important to inspect the breast prior to making that decision. He stated that the dam is solidly constructed of bedrock but the stability of the dam cannot be assessed until the dam breast is inspected. He noted the need to consider all issues including those properties downstream.

Ms. Reed stated that she is encouraged about the plan to move forward and she suggested holding another meeting with the public about this plan, noting that this impacts Muhlenburg, Laureldale and Reading residents. She noted that a meeting was held a few years ago at the Chabad located on Hampden Blvd.

Mr. Moran and Mr. Waltman agreed with the need for a public meeting after the plan is finalized.

Mr. Marmarou questioned if there are still problems with people hanging out late at night in the parking area as there were when he patrolled the area. Ms. Kelleher stated that Muhlenberg police have jurisdiction at this City-owned park located in Muhlenberg Township. Chief Tornielli agreed.

Mr. Waltman noted that Exide's 2020 bankruptcy created a remediation fund. Mr. Rugis agreed, noting that the majority of this funding is to address the contamination at the Exide site. *(Note from Attorney Beane: Exide's bankruptcy has now been confirmed and all liabilities of Exide have been transferred to an environmental trust, which is grossly underfunded. Exide is no longer a legal entity with any liability for its former Laureldale facility or surrounding parcels. Practically speaking, any additional work related to this matter will have to be performed by the Superfund program. The EPA is still involved in these matters although Superfund is now in the picture.)*

Mr. Waltman requested that Mr. Rugis provide a one sheet draft showing the phased plan and expected timeline so Council and the administration can consider holding a public meeting.

Mr. Rugis stated that the RFP to find a company to lower the water level and allow the inspection of the dam is due just after Labor Day and the information requested can be provided when the company is selected.

III. Ontelaunee Dam

Mr. Murray gave a PowerPoint presentation. He stated that Ontelaunee Dam was constructed in the 1920s to provide the City with a supply of potable water and water for firefighting. The dam impounds 30.9M gallons of water and provides 14 MGD (million gallons per day) to the City and 28 other municipal customers. He noted that as the facility services 28 municipalities plus Reading, this a regional facility. He described the facility, with the filtration plant and pumping station located downstream. He stated that the 2016 DEP report identifies \$12.9M in maintenance requirements at the dam to ensure its safety. He stated that if the dam fails the filtration plant and pumping station could be destroyed which would be catastrophic to the City and many municipalities. He stated that it could take up to a year to replace these facilities. He noted that some of the repairs include the PennDOT roadway that travels over the dam breast.

Mr. Murray noted some damage was caused by heavy rain storms, the last caused by Tropical Storm Isias and he expressed concern for additional damage when Tropical Storm Ida arrives in a day or two. He asked the City to consider dedicating some of the ARPA funding to assist with the repair work at the dam. He noted that financial assistance should also be sought from the County and State, noting that if RAWA has to foot the bill alone, it will mean a drastic increase in water rates.

Ms. Goodman-Hinnershitz left the meeting at this time.

Mr. Waltman, Mr. Moran and Mr. Amoros agreed with the need to consider providing some financial assistance.

IV. Other

Ms. Reed and Mr. Waltman requested a moment of silence for former Mayor Joe Kuzminski who recently passed away. Mr. Waltman noted his long lasting service to the community in many ways along with his humble leadership style.

The COW concluded at approximately 6:20 pm and an executive session on contractual matters took place with the five remaining Council members, Mr. Rugis, Mr. Amoros, Mr. Lachat, Mr. Moran, Mr. Denbowski. Ms. Smith and Ms. Kelleher attending. Mr. Marmarou left at 6:25 pm. At 6:34 a personnel/contractual matter was discussed.

The executive session concluded at approximately 6:40 pm.

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