

**Minutes**  
**Regular meeting of the City of Reading Planning Commission**  
**June 9, 2009 at 7:00 pm**

**Members present:**

Ermete J. Raffaelli, Chairman  
Brian Bingaman, Vice Chairman  
Michael E. Lauter, Secretary  
Wayne Jonas Bealer, Assistant Secretary  
Frederic dep Rothermel, Jr.

**Staff present:**

Andrew W. Miller, Planning Office  
Michelle R. Mayfield, Department of Law  
Charles M. Jones, Department of Public Works

**Others present:**

David A. Kostival, Reading Eagle Company

Chairman Raffaelli called the June 9th meeting to order, and asked for acceptance of the agenda. Mr. Lauter moved to accept the June agenda. Mr. Bingaman seconded. And the Commission voted unanimously to accept the June 9th agenda.

**Other business:**

§303.a.2 recommendation-monuments on the riverfront (“Fisher’s Grove”) [0:00.52]

Mr. Miller reported their late cancellation.

review the draft May 12, 2009 meeting minutes [0:01.10]

Mr. Bingaman moved to accept the May meeting minutes, as presented. Mr. Rothermel seconded. And the Commission voted unanimously to approve the May 12th meeting minutes.

**Resolution #35-2009**

update-Vending License Board activities [0:02.05]

Mr. Bealer, now the License Board’s chairman, reported on City Council’s June 8th “Committee of the Whole” meeting where he discussed possible amendments to the “Sidewalk Vendors Ordinance” (Bill No. 6-2009), especially the sections concerning vending machines. He said the Downtown Improvement District had recently taken inventory, counting 21 street *vendors* and 158 vending *machines*, in the area subject to the Ordinance. Council asked that he next meet with the Managing Director and the “Downtown 20/20” study group for recommendations, and report back. He noted that the Reading Eagle Company has 15 vending machines itself, hoping the rules applied wouldn’t adversely affect sales of their newspapers. He hoped for amendments to clarify definitions and matters such as fastening/anchoring the machines and procedures for handling damages to City property.

scheduling-order of the Planning Commission and Zoning Hearing Board meetings [0:10.27]

Mr. Miller informed the Commission that the Administration was, again, pushing for a rescheduling of the order of the Commission and the Zoning Hearing Board meetings. Asked his recommendation, he deferred to the individual schedules of the members. He suggested it may be as simple as off-setting those meetings by a couple of weeks, to cut down on the full-month gap typical between the rulings of the Hearing Board and the next possible appearance before the Planning Commission. The ‘fourth Tuesdays’ emerged as a possible new time. Mr. Miller offered to check with Berks Community Television and the reservations of the Penn Room.

executive session-regarding information or strategy in connection with litigation... [0:14.44]

The Commission entered an executive session “to consult with its attorney regarding... information or strategy in connection with litigation...”

settlement agreement-Big Spring, Inc. vs. City of Reading Planning Commission [1:26.56]

On Ms. Mayfield’s recommended language, Mr. Bealer moved to amend the November 14, 2005

settlement agreement in the matter of *Big Spring, Inc.* (a plaintiff otherwise known as Berkshire Bottling Works, LLC or Guardian Harbor Property Management, LP) *versus City of Reading Planning Commission*, terminating the City's "first option to purchase" (a right of first refusal), in consideration of the plaintiff, at its sole expense: [1] excavating for, and constructing a driveway, parking lot and playground for the Northwest Elementary School as shown on a plan preferred by the City of Reading and Reading School District; [2] agreeing to further amend the settlement agreement to designate River Road, should its northern extension ever be built, as the industrial traffic route; [3] seeking the Zoning Office/Hearing Board and Planning Office/Planning Commission approvals for the parking lot and playground as otherwise required by ordinance; [4] either, establishing a maintenance agreement for that portion of the Elementary School's driveway built upon the plaintiff's land, or, more preferably, conveyance of said affected land to the Reading School District; [5] constructing the stormwater swale in the vicinity of the Reading Greenway-Schuylkill River Trail, as further detailed in the existing settlement agreement's section 4, and to the satisfaction of the City Engineer; [6] using "701 Berkshire Place" as the record address of the bottling plant site; [7] recording any and all easements and/or deeds of dedication necessary to effect these arrangements; and, [8] executing an updated municipal improvements agreement. Mr. Bingaman seconded. And the Commission voted, 4 to 1, to amend the November 2005 settlement agreement on the conditions cited, Mr. Raffaelli casting the dissent.

**Resolution #36-2009**

Mr. Bingaman moved to adjourn the June meeting. Mr. Lauter seconded. And the Commission voted unanimously to adjourn the June 9th meeting. – 8:35 pm.