

The workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, May 27, 2015 at 7:00 p.m. at the Sinking Spring Borough Hall by President James Pachuillo. After the Pledge to the Flag, Elizabeth Eagelman called the roll reflecting the following Council Members present:

James Pachuillo  
TJ Huckleberry  
George Butkus (Absent)  
Denise Stine  
Lisa Gantner  
Tracy Peterson  
Brian Hoffa

Other officials present were: Mayor Gary Cirulli, Charles Haws, Borough Solicitor; Robert Ludgate Sr., Ludgate Engineering; Brad Smith, ARRO Consulting; Michael Hart, Public Works Director; Police Chief Lee Schweyer, Regina Shade, Borough Manager and Elizabeth Eagelman who recorded the minutes of the proceeding.

**VISITORS/PUBLIC COMMENT:**

There were no visitors.

**BUSINESS:**

Mr. Pachuillo stated that the first item is the Trash/Recycling recommendation from the Committee. He stated that the Committee did not get to meet and since Mr. Butkus was absent they would table this item.

The next item was the Ordinances for the Handicap Parking, False Alarms and Snow Removal. Mr. Haws stated that he has gone over all three Ordinances and they look fine so he would recommend consideration to have the Ordinances advertised. Mrs. Shade mentioned that the False Alarm Ordinance allows them three false alarms a year and after that they will be charged. Mr. Pachuillo asked for a motion to advertise the three (3) Ordinances. Mr. Huckleberry made the motion; seconded by Mr. Hoffa. AYES – 6, NAYS – 0, ABSENT – 1. Motion carried

The next item was the Fee Schedule Resolution. Mr. Pachuillo asked for a motion to adopt the Resolution for the new Fee Schedule. Mr. Hoffa made the motion; seconded by Mrs. Peterson. AYES – 6, NAYS – 0, ABSENT – 1. Motion carried

The next item was the Verizon Lease. Mr. Haws stated that they had some questions on insurance coverage and whether it was going to create any additional issues or liability with the Borough's insurance carrier and the answer was no. He stated that he has four (4) considerations based on input from Mr. Hart, and that he will need direction from Council as to what changes they want made to the proposed Lease. He stated that they have submitted a plan and that it has not changed. He stated that they identify a particular twenty foot (20') wide right-of-way which

**BUSINESS (Cont.):**

Mr. Hart has indicated is the only access. He stated that they want to add a provision that basically says that for any reason that access is not available that they get another access. He stated that he can't see why we would take the access away but we don't want them to tell us where they would relocate it to, we would have to figure out another access for them. The second item for consideration is their insurance coverage. They are proposing one million in general liability coverage for medical or wrongful death, five hundred thousand for property damage and one million for vehicular damage and one million for workers compensation. He stated that he doesn't know if those amounts are sufficient or if we should be asking for more coverage. The third item for consideration is a provision to terminate the Lease. He stated that their provision states that if the Borough needs to terminate the lease we would need to give them three (3) months' notice. He stated that he doesn't see why we would want to terminate the Lease but if we had to is three (3) months' to long of a period of time. The fourth consideration is a Confession of Judgement. He stated that as a Commercial Lease we can put a Confession of Judgement in there that if they should fail to make payments and we provide them notice that we can file a Confession of Judgement against them and don't have to go through an eviction proceedings to put them out for not paying. Discussion ensued concerning the considerations for the Lease. Decision was made to raise the General Liability to two million. Mr. Pachuillo stated that they don't want to give them a separate easement and agreed with the other two items. Mr. Haws stated that he will get back to them with those comments.

Mr. Pachuillo mentioned that at the last general meeting of the Western Berks Fire Department they received an Approval and Written Contract which they want each municipality representative to sign. He stated that it does not in any way involve any financial obligation of the municipality and that it basically waives us from liability of any payments. Mr. Haws stated that it is an IRS Notice and that each municipality must sign this acknowledging WBFD taking out the debt for the equipment but the acknowledgment of the debt does not create a liability for the Borough. Mrs. Stine made a motion to authorize Mr. Pachuillo to sign the Approval and Written Contract; seconded by Mrs. Peterson. AYES – 6, NAYS – 0, ABSENT – 1. Motion carried

**REVITALIZATION:**

Mr. Ludgate mentioned that he attended the BOSS2020 meeting last week and that they had a developer, Mr. David Halliday, come in and gave his view of development and what might take place. He stated that the Mr. Halliday was interested in what the Borough is doing and also met with Mr. Garrett who owns a portion of the Downtown area. He also mentioned that the Façade Program seems to be going very well and he believes that there are five (5) applications in progress right now. He stated that Council has had the Phase 3 budget for over a month now and that it is a tentative/conceptual budget. He stated that he divided it into three (3) segments and estimated high. He mentioned that the phase 4 draft budget was just sent over today. He stated that he sincerely hopes that Phase 4 becomes a PennDOT project on TIP and that he has requested a private meeting with the District 5 executive and County Transportation Planner to try to parcel out how Phase 4 will work.

**REVITALIZATION (Cont.):**

Mr. Pachuillo asked where we are at with the Market Study. Mr. Hoffa stated that they are having a meeting with Mr. Gulotta on Thursday at 5:00 p.m. He stated that they are going to have a sit down meeting here and then walk down into the area and then he will come up with a proposal on what it would cost. He also mentioned that Mr. Loth is already looking at trying to get some funding for the Study.

Mr. Pachuillo asked where we are at with the West End and the project. Mr. Ludgate stated that they ran into a problem with PennDOT regarding drainage along that path. He stated that PennDOT has chosen to apply the latest criteria for calculating the volume of storm water even though Mr. Hart is quite aware that there is no particular storm water problems on Penn Avenue, the calculations say there ought to be, which is a problem. He stated that they worked very hard to cut down the amount of work that has to be done. He stated that we are going to have to add drainage structures and that Mrs. Laura Montgomery who is the liaison between PennDOT and the project is working to try to get PennDOT to fund the actual Storm Sewer Construction. He stated that right now it is very close to approval. He mentioned that the last problem we had was at the Southwest corner of Hull and Penn where we have a very difficult time trying to get the storm water around there. He stated that we need to find a way to funnel that theoretical storm water flow so that it goes down Hull Street without spilling out further into Penn Avenue than it does now. He stated that they have found a way and put it in the plan and now it just has to go through for approval. Mr. Pachuillo asked what we are projecting as a let for that project. Mr. Ludgate stated that with this out of the way we can go almost anytime. He stated that when the work is bid is up to PennDOT. Mr. Cirulli asked about the South Hull Street resurfacing. Mr. Hart stated that the South Hull Street project is moving forward and they had a meeting about it last week. He stated that once we have the bid packets ready we will advertise for it. He mentioned that we are also waiting for some properties to do their curb work which they have until the end of June to do or the Borough will have to do it and back bill them. He stated that we probably won't be paving until August or September. Mr. Ludgate mentioned that we will need to get a bid date probably late July. Mr. Pachuillo asked what Council could authorize Ludgate to do for the West End Project. Mr. Ludgate stated that the West End Project is a PennDOT let and is day to day at this point. He mentioned that they have a meeting on site on June 12<sup>th</sup> with the liaison people for both the Betterment Project, our Phase 2 Project and our Western Project because there is a lot of obvious interaction between the three projects so it will be a staff to staff coordinating meeting.

Mrs. Shade stated that Mr. Loth would like Council to make a motion to allow BOSS2020 to begin a grant application for the 2015 MTF DCED CFA Grant Application. Mr. Hoffa made the motion; seconded by Mr. Huckleberry. AYES – 6, NAYS – 0, ABSENT – 1. Motion carried. Mrs. Shade mentioned that she has been speaking with Linda in Senator Argyl's office trying to set up the meeting with the Petroleum Industries but she keeps talking about a Town Meeting. Mr. Ludgate stated that there must be a mix up between the two meetings. He stated that the Senator would like a Town Meeting but he also offered his services to help arrange the industry meeting. Mrs. Shade also mentioned that there is some type of meeting in Schuylkill Haven on July 30<sup>th</sup> that all the municipalities are going to be invited to. Mr. Huckleberry suggested that Mrs. Shade speak to Christine in the Senator's office.

**REVITALIZATION (Cont.):**

Mr. Huckleberry questioned if PennDOT takes over the Phase 4 construction if they would use their own design or if they would use ours. Mr. Ludgate stated that is part of what we want to negotiate if we can. He believes the design we have in our official map was tested in a study done in 2010.

**CHIEF SCHWEYER:**

Chief Schweyer mentioned that there was a serious traffic accident last Friday morning on Shillington Road and a pedestrian was seriously injured. He stated that two vehicles collided and one jumped the curb and struck a twelve year old boy who has some serious leg injuries. Mayor Cirulli stated that we need to do something with that intersection because people jump the line back at the bridge and the people making left hand turns out of the shopping center are getting hit. He asked Mr. Ludgate for the contact at PennDOT to try to set up a meeting. Mr. Ludgate stated that it would be Mr. Toomey. Discussion ensued concerning reducing the speed limit to not allowing left hand turns from shopping center. Chief Schweyer stated that he has a part-time officer out there five hours a day citing people. Mr. Ludgate stated that he will contact Mr. Toomey and try to set something up.

Chief Schweyer stated that they just completed spike strip training with the officers.

**MICHAEL HART – PUBLIC WORKS DIRECTOR:**

Mr. Hart mentioned that there was a sewer issue in Lower Heidelberg Township. He stated that their sewer main got blocked and he was notified and they asked if we would come unblock it for them. He stated that he informed them that it was their issue and they had to address it. He stated that he didn't know what the blockage consisted of until the letter came out on Wednesday about the grease build up. He stated that whatever they cleaned out or are discharging we are getting out at the plant. He stated that we are going to install our sampler in a manhole in Lower Heidelberg to start sampling their waste and if they are in violation then we want to go after them to correct their discharge and we will treat it just like any restaurant in the Borough for the hot discharge. He stated that he was just looking for the go ahead to send them a letter notifying each Township that we are doing this. Mrs. Stine made to motion to approve sending the letters and setting up the sampler; seconded by Mr. Hoffa. AYES – 6, NAYS – 0, ABSENT – 1. Motion carried.

**MAYOR CIRULLI:**

Mayor Cirulli thanked the Rec. Board and Public Works Department for the wonderful job they did on the Memorial Day Parade. Discussion ensued concerning why the Wilson band was not there. Mrs. Gantner explained that the Wilson High School Band was never in the parade and that it was always the Junior High Band which they no longer have. She did mention that Wilson was represented by the Drum Line that marched with the ROTC.

**T J HUCKLEBERRY – FINANCE**

Mr. Huckleberry asked about the Verizon building and if there was any way to get them to clean it up. Mr. Hart stated that we have to go after them every year.

**TRACY PETERSON – LIBRARY:**

Mrs. Peterson mentioned that the Library Board would like to issue a raise to Mr. John Nelka and Ms. Christina Weida for being there one year. She mentioned that it was already in the budget for a 3% raise for each. She stated that they also decided that starting in October they would do employee evaluations for all of the staff and raises based on that. Mrs. Peterson made a motion to give Mr. Nelka and Ms. Weida each 3% raises as of their one year anniversary; seconded by Mrs. Gantner. AYES – 5, NAYS – 1, ABSENT – 1. Motion carried.

**BRIAN HOFFA – ECONOMIC AND COMMUNITY DEVELOPMENT:**

Mr. Hoffa mentioned that the first hour of the BOSS2020 meeting was taken up by all residents and many of them were displeased and others wanted to know what was going on. He stated that they tried to ensure them that anyone who is affected would be notified. He stated that one of the gentlemen from Krick stated that it bothers him when Council goes into Executive Session and then no action is taken and no information is given. He stated that he encouraged them to come to Borough Council Meetings if they have questions. He also mentioned that BOSS2020 is looking at doing a restaurant/dining night out to raise funds.

**LISA GANTNER – RECREATION:**

Mrs. Gantner thanked Mr. Hart and his guys for coming out and helping with the Memorial Day Parade. She also mentioned that the Playground Leaders have started coming in to get their checks done.

**DENISE STINE – PUBLIC SAFETY:**

Mrs. Stine mentioned that she is hoping that they can meet with the police next Thursday evening at 6:00 p.m. before the regular meeting. Mayor Cirulli suggested that they contact Mr. Keller to he can attend.

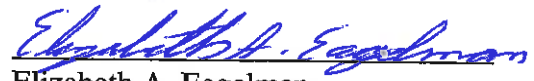
**VISITOR:**

Mr. Pachulo asked Mr. Eways, who attend the meeting for informational purposes, if he had any comments. Mr. Eways stated that he thinks that the Borough put together an excellent plan and he hopes we get in funded.

**ADJOURNMENT:**

Mr. Huckleberry made a motion to adjourn the meeting at 8:23 p.m.

Respectfully submitted,



Elizabeth A. Egelman  
Asst. Borough Secretary