

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on May 7, 2020 at 7:10 p.m., via Zoom meeting by Council President James Pachuillo. After the pledge to the flag, Elizabeth Eagelman called the roll reflecting the following Council Members present:

James Pachuillo
Tracy Peterson
H. David Miller
Denise Stine
Lisa Gantner
Brian Hoffa
Robert Metzgar

Other officials present were: Charles Haws, Borough Solicitor; Brad Smith and Ed Overberger, ARRO Consulting; Michael Hart, Borough Manager; Bryce Zohner, Public Works Director; Police Chief James Oxenreider, and Elizabeth Eagelman, Borough Secretary, who recorded the minutes of the proceeding.

Mr. Pachuillo requested a moment of silence to reflect on everything that is going on right now and to honor our Police, Fire and EMS personnel and our Armed Forces who protect us every day here and abroad.

All motions were done by roll call vote.

APPROVAL OF MINUTES:

Mr. Pachuillo asked for a motion to approve the minutes from the April 22, 2020 Council Workshop Meeting. Mrs. Peterson made the motion to approve the minutes; seconded by Mrs. Gantner. Roll Call Vote. AYES –7, NAYS – 0, ABSENT – 0. Motion carried.

VISITORS/PUBLIC COMMENT:

Mrs. Andrea Farrell of 10 Wynnewood Avenue was in attendance. She addressed Council concerning a Notice of Violation that she received. She stated that she is requesting reasonable accommodations under the fair housing because she got her son chickens as emotional support animals and she didn't realize that they were not allowed. She stated that she has a letter from his doctor and that she is also requesting an extension of the fifteen (15) day deadline to get rid of them until this is addressed. Mr. Pachuillo stated that Council was not aware of the issue. Mr. Hart explained that we received a complaint about the chickens and that Mr. Todd Miller, Code Enforcement Officer, investigated and found that there was a chicken coop in the yard with chickens in it. He then issued a Notice of Violation because farm animals are not allowed in that zoning district. Mr. Haws mentioned that he received a call from their attorney today as well. He stated that if there is a hardship there is a procedure for applying for a variance under the zoning ordinance that would be an appeal to the Zoning Hearing Board of an enforcement action. He stated that at this time Mr. Todd Miller has not issued an enforcement action he issued a Notice of

VISITORS/PUBLIC COMMENT (Cont.):

Violation that identified what he perceived as a violation. He stated that Council can't waive zoning requirements and that if an enforcement action was taken that it would be appealable to the District Justice. Further discussion and explanation ensued. Mr. Pachuillo stated that Council will need to discuss this matter further. Mr. H. David Miller stated that while we are sensitive to this issue he would like to make a motion that Council take this under advisement and hold off on any enforcement action until we reach a decision and get back to Mrs. Farrell; seconded by Mrs. Peterson. Roll Call Vote. AYES -7, NAYS - 0, ABSENT - 0. Motion carried.

Another resident named Kathleen who lives in the Sunset Road Apartments was on the same call with Mrs. Farrell. She asked Council about the tree that fell from the Sunset Road Apartment property during the storm and wanted to know if the utility was notified to remove the tree from the lines. Mr. Zohner stated that they were notified. Kathleen asked if they could be called again because it had been a week. Mr. Zohner stated that he would call them again.

CORRESPONDENCE:

The only item was a letter from Bean Funeral Home regarding their Renewal of Air Quality Permit that expires in September 2020. Mr. Hart explained that DEP requires the municipal notification with a 30 day comment period regarding the permit application. No action was needed.

APPROVAL OF THE BILLS:

Mr. Pachuillo asked for a motion to approve the bills for April 2020. Mrs. Stine made a motion to approve the bills, seconded by Mrs. Gantner. Roll Call Vote AYES - 7, NAYS - 0, ABSENT - 0. Motion carried.

TREASURER'S REPORT:

Mr. Pachuillo asked for a motion to accept the Treasures Report as written. Mrs. Peterson made a motion to accept the Treasurer's Report as written; seconded by Mrs. Stine. Roll Call Vote AYES - 7, NAYS - 0, ABSENT - 0. Motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Jared Renshaw was in attendance. He stated that everyone should have a copy of their April Activity Report. He mentioned that since March 25th they are operating under a dynamic staffing program that was enacted to limit exposures due to COVID-19. He asked if there were any questions on the report. There were none. Mr. Pachuillo thanked the fire department, police department and EMS for all that they do. Mr. Renshaw mentioned that they have been doing a lot of birthday parades lately.

WESTERN BERKS AMBULANCE:

Mrs. Sherry Berrick was in attendance. She went over their April Activity Report and mentioned that there were no narcotic treatments for the month. She mentioned that they are in a joint county effort in pulling all sorts of supplies that they need to do their job. She stated that they are continuing to serve the community and meet the needs the best that they can.

UNFINISHED BUSINESS:

There was no unfinished business to discuss.

NEW BUSINESS:

The first item was a Resolution extending the 2020 Real Estate Tax Flat Rate period to September 30, 2020. Mr. Pachuiolo stated that we received a letter from the County stating that the County Commissioners recently extended the time period for taxpayers to pay their County real estate taxes without a penalty until September 30, 2020. The letter encourages the municipality to similarly extend the "flat period" for the collection of municipal real estate taxes to September 30, 2020 to match the County's time period. Mr. Metzgar made a motion to pass the Resolution extending the 2020 Real estate tax flat rate period to September 30, 2020; seconded by Mrs. Gantner. Roll Call Vote AYES – 7, NAYS – 0, ABSENT - 0. Motion carried.

CHIEF OXENREIDER:

Chief Oxenreider mentioned that he was contacted by Resource Officer Rob Johnson today. Mr. Johnson advised him that Wilson High School is going to have a graduation parade for the graduates on May 29th and that part of the parade will be going through the Borough. Chief Oxenreider stated that they are going to have a jumbo tron at the high school televising the parade and he believes that they are going to have fireworks. He mentioned that the rain date will be May 30th. He stated that they are not asking for traffic control but wanted to make us aware of it and they want to know if we had a problem with it. He mentioned that they are going to have Fire Police there so it should not be a problem.

Chief Oxenreider went over his activity report for April 2020. He stated that they do have plenty of masks available.

Mr. Miller made a motion to allow our Fire Police to assist with the Parade if requested; seconded by Mrs. Peterson. Roll Call Vote AYES – 7, NAYS – 0, ABSENT - 0. Motion carried.

BRYCE ZOHNER – PUBLIC WORKS DIRECTOR:

Mr. Zohner mentioned that he and Mr. Hart have conducted a few interviews for the open sewer plant position. He stated that they would like to offer the position to Mr. Alfred Liwanag, who is a certified operator, at a rate of \$21.60 per hour. He stated that he does not have his CDL so we will be withholding \$.50 until he acquires it. Mrs. Peterson made a motion to hire Mr. Alfred Liwanag contingent on his background checks, drug screening and pre-employment physical; seconded by Mrs. Gantner. AYES – 7, NAYS – 0, ABSENT - 0. Motion carried.

BRAD SMITH - ENGINEER – ARRO CONSULTING:

Mr. Smith mentioned that he and Mr. Hart had a site meeting with the developer of Village Greens to discuss some drainage issues on Reedy Road. He stated that he is working with the solicitor to finalize the Storm Water Agreement for J. D. Pearah Parking Lot Expansion. He also mentioned that they are moving ahead with the Phase 2 HOP permit. Mr. Overberger reported that things are rolling along smoothly with the updating on the HOP itself and they have been updating the PDF documents. He stated that the right-of-way they have a bit of an issue with. He stated that they only had pdf documents from the prior engineer and those they are redrawing into CAD drawings. He mentioned that in the process of doing that they found out that the surveying that was done was not evident on the plans and they were not stamped either. He stated that they need the original CAD drawings with the survey data or they will have to have it surveyed again to get what PennDOT needs. Mr. Pachulo asked if we have legal recourse to take action to secure those documents. Mr. Haws stated that we could get a letter together that requests that document, gives a deadline to do it, and says that if you don't provide us the information we are going to have to have the area re surveyed and we are going to send them the bill. Mr. Overberger stated that they are going to move forward with getting a couple quotes to what that fee is going to be for the surveying. Mr. Hart mentioned that there were issues with the Pedestrian Safety Project at the west end of the Borough with the surveying so it might be better to have another firm do it so we know the information is correct. Discussion ensued. Decision was made to send letter asking for the CAD drawings.

Mr. Smith mentioned that the Broad Street Sanitary Sewer Improvement Project was posted to Penn Bid today and will be advertised in the Reading Eagle tomorrow with an opening date of June 3rd.

ELIZABETH EAGELMAN – BOROUGH SECRETARY:

Mrs. Eagelman mentioned that residents can pay their bills online now and that the link is on the Borough web site.

MICHAEL HART – BOROUGH MANAGER:

Mr. Hart mentioned that the office is running smoothly, everyone is separated and wearing masks. He mentioned that we are going to create a room in the basement to stock pile some emergency supplies so that we have it on hand.

Mr. Hart mentioned that he had conference call with Mr. Haws and Mr. Smith and the started working on an Ordinance to control the mini cell towers. He asked if Council would like a committee to assist with it or have it go to planning. Mr. Pachuillo stated that he would like Council's input and suggested the public safety committee.

TRACY PETERSON – RECREATION:

Mrs. Peterson mentioned that they did receive a letter about the library and that they are not sure when they are going to reopen. She stated that we will need to make sure that we have supplies for them when they do open and shields will need to be put up in front of the desk.

ROBERT METZGAR – FINANCE:

Mr. Metzgar mentioned that they had a productive Admin meeting on Tuesday. He thanked all of the Borough employees who are adhering to the guidelines that we have been setting forth.

BRIAN HOFFFA – ECONOMIC & COMMUNITY DEVELOPMENT:

Mr. Hoffa mentioned that we received a proposal from Derck and Edson for ordinance preparation services for our D-1 Downtown District. He stated that Derck and Edson is a planning and design firm that has been helping other communities for years. He stated that their committee is stalled in rewriting the zoning for the D-1 District so they reached out to Derck and Edson. He mentioned that the basic scope of services includes Scoping, Documenting, Drafting, Coding and Integration with a total fee including expenses of \$29,400.00. He also mentioned that there are optional services like Listening Sessions, which he believes we should do, for \$1,800.00 per session, a 3D Model of the Downtown Area for \$3,000.00 to \$5,000.00 and Before and After Transformation Rendering for \$1,500.00 to \$2,500.00. Mr. Pachuillo asked if we are going to be budgeting for this or where we are going to get the funds for this. Mr. Metzgar stated that they do feel strongly about this and that they have already talked to Mr. Loth about trying to get some money to help cover these costs. Mr. Hoffa mentioned that it will take about six months to complete the work. Mrs. Gantner stated that their committee really doesn't have the expertise to do this and need their help on this and that it is a valuable tool. Discussion ensued as to where we could obtain the funds. Mr. Hoffa mentioned that they are going to have a BOSS meeting via Zoom on May 21st at 7 p.m.

BRIAN HOFFFA – ECONOMIC & COMMUNITY DEVELOPMENT (Cont.):

Mr. Miller inquired as to the status of the Village Greens. Mr. Hart stated that the Robitzer's are putting their plans together and will be submitting in the near future so they are moving forward. Mr. Smith stated that they are scheduled to do onsite testing for infiltration next week. Mr. Pachuillo asked about the litigation. Mr. Haws stated that Mr. Robitzer filed a petition to intervene but the court isn't scheduling any hearings for general litigation.

LISA GANTNER – RECREATION:

Mrs. Gantner mentioned that they did meet yesterday and spent most of the time talking about playground. She stated that they also talked about the Memorial Day Parade and it looks like there is no way that we can do the parade this year. She stated that she will contact Wernersville to see about next year. She stated that as a committee they really want to figure out how they can have playground and would like to have permission even if they can't open until July. She mentioned doing shifts but she is not sure how they would sanitize between groups. Mr. Pachuillo stated that we can always hold out hope that we will be able to open up playground as the months go on. Discussion ensued. Mrs. Gantner stated that she will post something on Facebook stating that we are going to try to have the playground program but right now we do not have guidance.

DENISE STINE – PUBLIC SAFETY:

Mrs. Stine stated that they need to do a Contract for Chief Oxenreider. She stated that she will send out the one we had for Chief Schweyer.

H. DAVID MILLER – SEWER & SANITATION:

Mr. Miller asked when the Trash Bids are due. Mr. Hart stated that they are due on May 26th and will be opened at a bid opening that same day and will be prepared for Council for the workshop meeting on May 27th.

JAMES PACHUILO – COUNCIL PRESIDENT:

Mr. Pachuillo asked about the property on Penn Avenue that Mr. Todd Kline owns and stated that there was demolition go on there today. Mr. Hart stated that he sent Mr. Kline a Stop Work Order for the overhead doors and man doors that he was closing on the east building and that he complied with that. He stated that Mr. Kline started repair on his roof on the west building and was replacing decking so he called him and informed him that he would need to apply for a permit to do that. He mentioned that he also ordered him to remove the archway between the buildings because it is a public hazard.

ADJOURNMENT:

Mr. Hoffa made a motion to adjourn the meeting at 8:41 p.m.

Respectfully submitted,



Elizabeth A. Eageman
Borough Secretary