

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, June 6, 2019 at 7:00 p.m., at the Sinking Spring Borough Hall by President James Pachuillo. Elizabeth Eagelman called the roll reflecting the following Council Members present:

James Pachuillo
Tracy Peterson (Absent)
H. David Miller
Denise Stine
Lisa Gantner
Brian Hoffa (Absent)
Robert Metzgar
Jack Malandra (Absent)

Other officials present were: Mayor Gary Cirulli; Emma Rose Boyle, Barley Snyder, Borough Solicitor; Brad Smith, ARRO Consulting; Bryce Zohner, Public Works Director; Michael Hart, Borough Manager; OIC James Oxenreider, and Elizabeth Eagelman, Borough Secretary, who recorded the minutes of the proceeding.

Mr. Pachuillo requested a moment of silence to honor our Police, Fire and EMS personnel and our Armed Forces who protect us every day here and abroad.

APPROVAL OF MINUTES:

Mr. Pachuillo asked for a motion to approve the minutes from the May 2, 2019 Council Meeting and the May 22, 2019 Workshop Meeting. Mrs. Gantner made the motion to approve the minutes; seconded by Mr. Miller. AYES –5, NAYS – 0, ABSENT – 2. Motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Jared Renshaw went over the monthly report and pointed out that they are now including the Pre-Incident Surveys that they are doing on the monthly report.

WESTERN BERKS AMBULANCE:

Mr. Tony Tucci went over their report for May. He mentioned that they were just notified today that they were awarded the 2019 Mission Life Line Gold Plus Award for cardiac care. He stated that it is the fourth year in a row that they have achieved that award.

VISITORS/PUBLIC COMMENT:

The first visitor was Mr. Chuck Frantz from C2C Design Group. He stated that he is here on behalf of their client Metropolitan Development Group in reference to the Hofmann Tract. He stated that it is a planned Multi-family residential apartment complex located just east of the Hofmann Industries tract in the field behind CJ Tire. He stated that the proposal is for 9 apartment buildings each having 20 units for a total of 180 apartment units, a club house with a pool and a maintenance shed. He stated that the majority of the property (18 acres) is located in Spring Township and one acre in the North-West corner of the property is located in the Borough. He stated that the primary impact to the Borough would be the stormwater which is going to discharge into the Thirty-Six inch culvert under Route 724. He stated that they will be required to get an NPDES Permit and they will be required to meet the federal and state guidelines for stormwater management leaving the site. He mentioned that it is an individual permit so it will be reviewed by DEP, and that it is currently in process. He stated that they are reducing the rate and volume of stormwater leaving the site per those requirements and they are also meeting the water quality requirement of the permit as well. He stated that stormwater leaving the site will not be increased over what is currently leaving the site now. He stated that they have met with Spring Township and have addressed their stormwater management comments and have provided the report to the Borough and that Mr. Tom Ludgate has reviewed it. He stated that they have also submitted an offsite drainage study report that they had done at the request of the Borough, that took a look at the impact to Hofmann Industry portion of the project to evaluate the impact to that property and the existing facilities there. He stated that this report was also given to Hofmann Industries through their legal counsel Mr. Darryl Worley. He stated that Hofmann Industries does not have any other requests with respect to the stormwater management analysis and he is here to answer and questions that Council may have with respect to that stormwater management plan and the impact it may have on the Borough. Mr. Tom Ludgate stated that they met all of his concerns. Mr. Hart agreed. Mr. Miller stated that they are doing everything that they are supposed to be doing. Mr. Pachuillo stated that Council already waived the need for a Land Development Plan at a prior meeting and that we were just concerned about the stormwater which has been addressed. Mr. Ludgate stated that he doesn't think there needs to be any format action but as they get their approvals they should keep the Borough in the loop. Mr. Pachuillo requested that it be noted in the minutes that the Storm Water Management Report was presented to Council and that Council has no problems with it.

The next visitor was Mrs. Carol Wadsworth from Krick Avenue. She addressed Council concerning the property behind her and the work that is going on there. She stated that they are very close to her property. Mr. & Mrs. Chelius also address Council concerning the same issues. Mr. Pachuillo stated that the former Joe Dell Property on Penn Avenue was sold to this gentleman and he is doing some land clearing of trees on his property. Mrs. Chelius was concerned because he started clearing the trees before he owned the property. Mr. Chelius asked if permits were needed to move earth/site prepare. Mr. Hart stated that he would not need a permit until he hit a threshold of 5000 square feet. Mr. Ludgate added that he would need a permit from the Conservation District not the Borough. Mr. Chelius stated that they did contact them. Mr. Hart stated that he received the report which states that a permit is required. Mr. Ludgate explained that typically the Conservation District will perform an inspection and then be out in a week or so to see if the items in the inspection have been addressed. Mr. Chelius stated that they are also concerned with the way he is taking down the trees by knocking them down with a backhoe and that it is unsafe and that he hit and broke their fence.

VISITORS/PUBLIC COMMENT (Cont.):

Mr. Chelius mentioned that the he also blocked the alley. Mr. Hart stated that there is an easement there and that they have a right to use it so they should just drive around the sign. Mr. Hart stated that it would be a civil matter between property owners and that they should contact the District Justice or a lawyer. Lengthy discussion ensued concerning that property and the revitalization efforts. Mrs. Chelius asked if we could have a noise ordinance that would include construction equipment on weekends since we have one for dogs barking.

The next visitor was Mrs. Stephanie Jefferson of 32 Krick Avenue. She addressed Council concerning the field behind her house and the fact that the farmer has not mowed it yet this year. She stated that the weeds are starting to come through her fence. Mr. Hart mentioned that we have contacted the owner and that they are waiting for a series of dry days so they can get in there and cut it let it lay and then bail it.

The next visitor was Mr. Russell Becker of 23 Krick Avenue. He also address Council concerning the land clearing going on behind their properties. He stated that this gentleman has no regard for people or property and he has no respect for the police or anything.

CORRESPONDENCE:

There was no correspondence.

APPROVAL OF THE BILLS:

Mr. Pachuillo asked for a motion to approve the bills for May 2019. Mrs. Stine made a motion to approve the bills, seconded by Mrs. Gantner. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

TREASURER'S REPORT:

Mr. Pachuillo asked for a motion to accept the Treasures Report as written. Mr. Miller made a motion to accept the Treasurer's Report as written; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

UNFINISHED BUSINESS:

There was no unfinished business to discuss.

NEW BUSINESS:

The first item was the Council on Chemical Abuse – Young Longs at Play. Mr. Pachuillo mentioned that it is a smoke free initiative that they would like us to do at the playground. He stated that if we pass the Resolution they would send us free signs. Discussion ensued concerning trying to enforce it with the weekend rentals. Mr. Pachuillo stated that we should have our solicitor look at it Sample Resolution to see what they think. He stated that we will table this issued until the solicitor has time to look at it.

The next item was the 2019 Agreement with Western Berks Ambulance. Mr. Pachuillo stated that the amount due for 2019 is \$55,552.64 which is based off the assessed value times .26 mils. Mrs. Stine made the motion to approve the Agreement; seconded by Mrs. Gantner. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

COMMITTEE REPORTS:**OIC OXENREIDER:**

OIC Oxenreider went over the Police Report for May 2019.

SEWER ENGINEER – ARRO CONSULTING – BRAD SMITH:

Mr. Smith mentioned the Draft NPDES Permit and that they submitted additional data on the Tetrachloroethylene. He stated that they have been testing since February and that out of the fourteen samples collected only four had a detectable concentration but they were well below the NPDES limit assigned to us by PADEP. He stated that DEP is looking to see if it can be removed from our permit which would also eliminate the need for the Toxic Reduction Evaluation. He stated that they are also going to reduce our testing on the Tetrachloroethylene and the dibromochloromethane from weekly to biweekly. He stated that it has to be approved by the EPA and issue a new draft permit.

Mr. Smith mentioned that the contractor has finished cleaning the first set of Reed Beds and that he has two items that need action from the Borough. The first is a deduct change order for \$75.96 to cover overtime for the staff to allow the contractor to work longer. Mrs. Stine made the motion approving the deduct change order in the amount of \$75.96; seconded by Mrs. Gantner. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried. The second is a payment application from the contractor in the amount of \$35,727.67. Mrs. Stine made the motion to approve the payment application for \$35,727.67; seconded by Mr. Miller. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

Mr. Smith mentioned that the Broad Street Sanitary Sewer Improvement planning module is available for the public comment at the Borough Office until June 27, 2019.

MICHAEL HART – BOROUGH MANAGER:

Mr. Hart mentioned that part of our HOP Permit Application we have to supply PennDOT with a letter stating that we will allow our traffic to travel on Woodrow Avenue as the detour route. He stated that he needs Council to re-affirm the letter that was already sent. Mrs. Stine made a motion to approve the letter; seconded by Mrs. Gantner. Mr. Miller asked if there were any other options. Mr. Hart stated no and mentioned that Woodrow Avenue was built a few years ago to withstand the heavy loads. Mayor Cirulli mentioned that his concern is the railroad tracks and people stopping on them. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

Mr. Hart stated that the second letter is to eliminate on street parking on some of the detour routes and also for construction on Penn Avenue temporarily until construction is done. Mr. Metzgar made a motion to approve the letter; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

Mr. Hart mentioned that he received a letter from the Berks County Irish-American Fraternal Association. He stated that they want to have their Irish festival at Willow Glen Park again this year and also have the 5k run on the Borough streets. He stated that they would need Councils approval for them to utilize the Borough streets as their run. He stated that it would use side streets and stay off of Penn Avenue. He mentioned that it would take place on July 20th. Mr. Miller made a motion to allow the use of the Borough streets for the 5k run; seconded by Mrs. Gantner. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

MAYOR CIRULLI:

Mayor Cirulli stated that on June 6, 2019 Officer Maryana Marusyak successfully completed her one year of service and her probation period is over. He requested that Officer Marusyak be taken off of probation and moved up to patrolperson 2nd class at a rate of \$31.68 per hour. Mrs. Stine made the motion approving Officer Marusyak's move up to patrolperson 2nd class; seconded by Mrs. Gantner. AYES – 5, NAYS – 0, ABSENT – 2. Motion carried.

Mayor Cirulli mentioned that the VFW came in and gave OIC Oxenreider a donation check for \$1,500.00. He stated that a thank you letter will be going out to them.

ROBERT METZGAR – FINANCE:

Mr. Metzgar stated that their next Admin meeting is scheduled for Tuesday, June 25th at 10 a.m. He mentioned that the PennDOT meeting on the 23rd went well. He also mentioned that they met with CELG and Spring Township today and stated that it is the first of many to come.

LISA GANTNER – RECREATION:

Mrs. Gantner mentioned that they are super busy and that the leaders all had their CPR and First Aid training. She stated that Playground opens on Monday and that we have about 175 kids registered so far. She stated that the movie on Friday, June 14th will be Shrek.

DENISE STINE – PUBLIC SAFETY:

Mrs. Stine had nothing to report.

H. DAVID MILLER – SEWER AND SANITATION:

Mr. Miller stated that he had nothing to add.

EXECUTIVE SESSION:

Mr. Pachuillo stated that they need to go into executive session to discuss a property acquisition issue. Council went into Executive Session at 8:00 p.m.

RECONVENE:

Council reconvened at 8:10 p.m. No action was taken.

MICHAEL HART – BOROUGH MANAGER:

Mr. Hart gave an update on the proposed development of the Village Greens Golf Course. He stated that they met with Mr. Don Robitzer again on Tuesday just to talk about where we are. He mentioned that Mr. Robitzer went back to his designer and they reduced the length of the buildings but added three additional buildings which takes away from the open space. He stated that Mr. Robitzer is still open to doing whatever he can and that he brought in a picture of a street view standing on Broad Street looking over at the buildings shadowed by the trees that are there and new plantings that they would put there based off of our buffers within our Saldo agreement. He stated that you can hardly see the buildings. Lengthy discussion ensued concerning the heights and stormwater concerns. Mr. Hart mentioned that they will have to get permits from DEP and the EPA regarding stormwater management just like the previous conversation concerning the Hofmann Tract. Mr. Miller mentioned that we now have two plans and asked what everyone's feelings are. Mrs. Gantner stated that they had it drawn out, and when you looked at it, it looked better with having longer and fewer buildings because it kept more of the green space all around. Mr. Miller stated that if we like the first plan then we should tell them to submit it. They discussed that fact that they will need zoning relief and the option of creating an overlay district or create another Ordinance. Mr. Metzgar stated that he may be the minority but he doesn't like the idea of putting any apartments in there. Mrs. Gantner mentioned that we need something to support that Downtown that we are trying to build. Mr. Pachuillo asked if anyone caught what was said when they came to the Council Meeting and suggested that they are also interested in building the Downtown. Mr. Metzgar asked if there has been anymore talk about integrating a walking path around it. Mr. Hart stated yes. Mrs. Gantner stated that she feels like we have to say yay or nay and then those are the things that we want to incorporate so they agree to that sort of thing. Mr. Hart stated that it would be during the planning stages to add things like a public walking trail. Mr. Pachuillo stated that he would like to see them submit a plan and that they need know that there is a glimmer of hope of this being built before they spent thousands of dollars on plans. He stated that

MICHAEL HART – BOROUGH MANAGER (Cont.):

he believes that we should give him at least the inclination that yes we think he should move forward and that we will work on the zoning issues as they come. Mr. Hart stated that everything he is proposing falls right in line with our Joint Comp Plan. Mr. Pachulo stated that we don't need to make any motions but we can just have Mr. Hart tell Mr. Robitzer that Council feels that he should submit a plan. Mr. Hart stated that Mr. Robitzer's next step would be to submit a Land Development Plan. Mr. Pachulo reiterated that we should at least give them an answer because they are waiting for us to say go ahead and say that they are not wasting our time and that we are going to really look at this and try to make it work the best we can.

ADJOURNMENT:

Mrs. Gantner made a motion to adjourn the meeting at 8:45 p.m.

Respectfully submitted,



Elizabeth A. Eageman
Borough Secretary