

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, September 2, 2021 at 7:03 p.m., 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 (Absent)  
Denise Stine  
Lisa Gantner (Absent)  
Brian Hoffa  
Robert Metzgar (Absent)

Other officials present were: Mayor Gary Cirulli; Charles Haws, Barley Snyder, Borough Solicitor; Brad Smith, Engineer, ARRO Consulting; Michael Hart, Borough Manager; Police Chief James Oxenreider; Kim Cherry, Sewer Plant Superintendent; and Elizabeth Eagelman, Borough Secretary, who recorded the minutes of the proceeding.

#### **APPROVAL OF MINUTES:**

Mr. Pachuillo asked for a motion to approve the minutes from the August 5, 2021 Council Meeting. Mr. Hoffa made the motion to approve the minutes; seconded by Mrs. Peterson. AYES – 4, NAYS – 0, ABSENT – 3. Motion carried.

#### **VISITORS/PUBLIC COMMENT:**

Mr. Santiago Serrano, Constituent Advocate for Representative Chrissy Houlahan, addressed Council and read a hand out containing information about Representative Chrissy Houlahan including committees and caucuses that she is a part of, her accomplishments for her constituents, and Legislative Actions.

#### **CORRESPONDENCE:**

Mr. Pachuillo stated that he received a letter from the Berks County Commissioners stating that they were able to provide over \$4M in grants to local businesses through the Commonwealth's Hospitality Industry Recovery Program grants to address some of the hardships and revenue losses incurred during the Pandemic.

#### **APPROVAL OF THE BILLS:**

Mr. Pachuillo asked for a motion to approve the bills for August 2021. Mrs. Stine made a motion to approve the bills, seconded by Mrs. Peterson. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

**TREASURER'S REPORT:**

Mr. Pachuilto asked for a motion to accept the Treasures Report for August 2021. Mrs. Stine made a motion to accept the Treasurer's Report; seconded by Mr. Hoffa. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

**WESTERN BERKS FIRE DEPARTMENT:**

Mr. Renshaw stated that the Borough got hit pretty hard with flooding in the usual spots from the storm that came through on September 1<sup>st</sup>. He mentioned that they are still out pumping out basements on Park and Elwyn Avenues. He also mentioned that they had multiple vehicles stuck in water on Penn Avenue and Park Avenue and that their water rescue team was out and rescued four or five individuals from their vehicles. He stated that the training has really paid off.

Mr. Renshaw stated that they brought along their Drone to show everyone and mentioned that they purchased it with \$12,599.00 in grant funding that they received from the Office of the State Fire Commissioner Grant which provided them with the drone, the controller and the camera. He mentioned that they recently were able to obtain a zoom and thermal camera for the drone thanks to a monetary donation from Kraft Codes and Kraft Engineering. Captain Alex Lupco stated that they plan on using the drone for large scale high risk incidents so they can get intel to make better decisions that impact the fire fighters, property, the environment and the residents. He stated that it is a very high tech piece of equipment with thermal capabilities that will assist in finding missing persons and that they are the only station in Berks County with this type of equipment as well as the thermal camera. He mentioned that they have to be licensed by the FAA to fly the drone and currently he and another individual are licensed and there are five other individuals in the department that are going through the licensing process. He stated that if time permits they will do a demonstration after the meeting

**WESTERN BERKS AMBULANCE:**

Mr. Pachuilto stated that their August report is in the email packet.

**UNFINISHED BUSINESS/ACTIONABLE ITEMS:**

Mr. Pachuilto stated that the first item is the Wireless Update. Mr. Hart mentioned that we do not have anything on this yet.

Mr. Pachuilto stated that the next item is the Police Contract. Mrs. Stine stated that they are going to start working on this next week and that she sent out an e-mail to the committee with dates to meet. Discussion ensued about sending out right-to-know requests to other municipalities to see what their current contract rates are. Mrs. Stine stated that she could send that out.

**NEW BUSINESS/ACTIONABLE ITEMS:**

Mr. Pachuillo stated that the first item is the 2022 Police MMO for \$0.00. He asked for a motion to approve the 2022 Police MMO at \$0.00. Mrs. Peterson made the motion to approve the 2022 Police MMO; seconded by Mrs. Stine. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

The next item was the 2022 Non-Uniformed MMO for \$44,901.00. He asked for a motion to approve the 2022 Non-Uniformed MMO in the amount of \$44,901.00. Mrs. Stine made the motion to approve the 2022 Non-Uniformed MMO; seconded by Mrs. Peterson. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

The next item was the UCC Appeals Board Resolution. Mr. Haws mentioned that Council approved entering into the Intergovernmental agreement at the last meeting but the County is requesting a Resolution authorizing entering into and signing the agreement. Mrs. Stine made a motion to pass the Resolution; seconded by Mrs. Peterson. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

The next item was to hire Shawn Herbein for the Streets Department. Mr. Hart mentioned that they got a couple application in and did interviews. He stated that Mr. Herbein has the ability to operate the trucks, heavy equipment and is the best fit for the position. Mrs. Peterson made a motion to hire Mr. Shawn Herbein for the Streets Department; seconded by Mrs. Stine. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

The next item was to hire Emily Graciano for Library Assistant/Passport Agent at a rate of \$9.00 per hour. Mrs. Peterson made a motion to hire Emily Graciano as a Library Assistant/Passport Agent at \$9.00 per hour; seconded by Mrs. Stine. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

The next item, item F, under New Business on the Agenda was cancelled and not discussed.

**REVITALIZATION:**

Mr. Hoffa mentioned that the Pennsylvania Downtown Center is sponsoring a conference from September 12<sup>th</sup> to the 15<sup>th</sup> and Mr. Weaver and Mrs. Ganter are registered to attend. He also mentioned that they had a meeting with Derck and Edson and went over the first draft of the new Zoning. He stated that there was a lot of discussion and Derck and Edson took a lot of notes and they are going back to redraft it. He stated that once the second draft is received he will distribute it to everyone again for their opinion.

**BRAD SMITH – ARRO CONSULTING – ENGINEER:**

Mr. Smith stated that he has two (2) items for possible action tonight. He mentioned that ARRO has made a request to PENNDOT to order or bid traffic signal items for the Phase 2 project now to avoid delays in construction. He asked Council if they wanted ARRO to come back at the next meeting with a formal written contract or if they just wanted to authorize Mr. Hart to authorize ARRO to write the specifications if we need to bid it. Mr. Hart stated that hopefully we will be able to go through COSTARS and eliminate all of that. Mr. Pachuillo stated that we need a motion to authorize Mr. Hart to move forward with the traffic signal items for Phase 2. Mrs. Peterson made the motion; seconded by Mr. Hoffa. Mr. Pachuillo asked if there were any questions. Mr. Hart stated that they may want to add a note to proceed with COSTARS direction first and then the other engineering way as a final if required by PENNDOT. Mrs. Peterson amended her motion to add Mr. Hart's suggestion. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

Mr. Smith stated that they received two (2) bids via PENNBID on August 25, 2021 for the Reed Bed Refurbishment. He stated that the low base bidder was Empire Services with a bid of \$277,140.20 and if the Borough goes with the alternate, which is to use recycled glass instead of sand, Empire will deduct \$18,547.00 for a total of \$258,593.20. The other bid was from L&T Construction Services LLC with a base bid of \$287,940.00 with an increase of \$3,000.00 for the alternate for a total of \$290,490.00. Mrs. Stine made a motion to award the contract to Empire Services with the alternate; seconded by Mrs. Peterson. Mr. Pachuillo asked if it made fiscal sense to go with the recycled glass. Mr. Smith stated that it works just as well as the sand and it is cheaper. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

Mr. Smith mentioned that they are going to provide a monthly status report on the Phase Two Final Project. He mentioned that Mr. Felty has begun work on the survey to gather necessary topographical information to design the intersection.

**POLICE CHIEF JAMES OXENREIDER:**

Chief Oxenreider went over his monthly report. He mentioned that a resident reported that there were fireworks going off behind his house and that he almost got hit with a piece of debris. Mr. Pachuillo mentioned that the State Legislature is reevaluating the law for the fireworks now so maybe by next year we will have something different. Mayor Cirulli stated that Representative Jim Cox told him that we have a right as a Borough to get an Ordinance together and we can actually ban fireworks from happening at all in the Borough and that it is our option and has nothing to do with the state. Mr. Pachuillo suggested that the Public Safety Committee evaluate that Ordinance and what it would take with Mr. Haws and the Police Department and bring it to back to Council to make the decision as a whole if it is something they want to pass. Chief Oxenreider stated that the problem with the fireworks is that they could be on one side of the Borough and the fireworks are going off on the other side and when they get to that side they are gone. He stated that neighbors don't want to tell on neighbors so they get anonymous complaints and then there is no one wants to come forward. Mr. Haws stated that he is happy to look at what we could do but there is already a state law that proscribes how far you need to be from property lines and such and the borough only has a few properties where it would be allowed so everywhere else it is already against state law. Discussion ensued. Mr. Pachuillo suggested putting an article in the Borough Newsletter explaining the current state fireworks law to educate residents on the law.

**CHARLES HAWS – BARLEY SNYDER –SOLICITOR:**

Mr. Haws stated that with the change in the yard waste collection site we need to redo our Recycling Ordinance. Mr. Hart explained that this came about because he is applying for a recycling grant for almost \$100,000.00 and the one thing they want is our Recycling Ordinance updated to reflect the changes. Mr. Haws stated that the specific changes are to 11-a-2 to prohibit burning recyclables, 12-b prohibiting the burning of recyclables and section 16, removing the reference to Spring Township and adding the reference to the Borough drop off facility. He stated that if Council so chooses they could authorize him to advertise it for adoption at the October Council meeting. Mrs. Peterson made a motion to authorize advertising the updated recycling ordinance; seconded by Mrs. Stine. AYES – 4, NAYS – 0, ABSENT - 3. Motion carried.

**MICHAEL HART – BOROUGH MANAGER:**

Mr. Hart mentioned the flooding and that the hardest hit areas were Park and Penn Avenue and a few homes had sewer backups. Mr. Renshaw stated that there were about twelve (12) between Park, Elwyn and Keller that they had to pump out. Mr. Hart stated that there was minor flooding on James Street and on Broad Street it never got higher than the ditch. He mentioned that the plant handled all of the flow but one of the buildings did have some flood damage in the screenings building from all of the sewerage coming in and it damaged the sampler again. He also mentioned that an electrical manhole out in the yard filled up with water and they have to see how that happened.

Mr. Hart mentioned that one of the WWTP employees quit after his shift on Wednesday and they are not sure why. He stated that he and Ms. Cherry both tried to contact him today but he has not returned any of their phone calls.

Mr. Hart mentioned that he is starting the Budget process and will be sending out worksheets to department heads. He mentioned that Wbfd and WBA are both requesting increases in their fees so the Emergency Budget will be going up.

**ELIZABETH EAGELMAN – BOROUGH SECRETARY:**

Mrs. Eagelman mentioned that she is starting to collect information for a newsletter and asked that if anyone had anything to have it to her by September 15<sup>th</sup>. She also mentioned that she had the trash and recycling collection dates for 2022 and started working on meeting dates for 2022. She stated that the January 2022 meeting will take place on the first Monday which would be January 3, 2022. Mrs. Peterson mentioned that we may need to look at changing the meeting dates to meet on a different day.

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

Mr. Hoffa mentioned that there is a lot of growth in the creek bed and asked if it was going to be cut soon and if we could clean it out because there is a lot of growth in the center of the creek. Mr. Hart stated that it will be cut one more time this year and that we would need a DEP permit to clean it out.

**DENISE STINE – PUBLIC SAFETY:**

Mrs. Stine mentioned that she received Two (2) complaints about Mr. Leiby's junk pile getting worse. Mr. Hart stated that he would have Mr. Miller send him another notice.

**ADJOURNMENT:**

Mr. Hoffa made a motion to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

  
Elizabeth A. Egelman  
Borough Secretary