

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, October 13, 2022, at 7:00 p.m. by Council President Tracy Peterson. After the pledge to the flag, Elizabeth Eagelman called the roll reflecting the following Council Members present:

Tracy Peterson  
H. David Miller  
Denise Stine  
Lisa Gantner  
Brian Hoffa  
Robert Metzgar  
Patrick Giambalvo (arrived at 7:03)

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; and Elizabeth Eagelman, Borough Secretary, who recorded the minutes of the proceeding.

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

Mrs. Peterson asked for a motion to approve the minutes from the September 8, 2022, Council Meeting. Mr. Hoffa made the motion to approve the minutes; seconded by Mr. Miller. AYES – 6, NAYS – 0, ABSENT - 1. Motion carried.

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

Mr. and Mrs. Norris from 14 Krick Avenue addressed Council looking for a timeline for the purchase of their house. Mr. Hart stated that he does not have a timeline for that and that he needs to speak to the Admin Committee about the financing for that. Mrs. Norris mentioned that they did accept the offer from the Redevelopment Authority and signed the paperwork back in August. Mr. Haws stated that the Borough has not received anything from the Redevelopment Authority and that he will contact them to check on the status of that agreement.

Patrick Giambalvo arrived at 7:03

#### **CORRESPONDENCE:**

Mrs. Peterson mentioned that we received correspondence from Western Berks Ambulance inviting everyone to their Open House on October 27<sup>th</sup> at 2 p.m.

**APPROVAL OF THE BILLS:**

Mrs. Peterson asked for a motion to approve the bills for September 2022. Mrs. Stine made a motion to approve the bills, seconded by Mr. Hoffa. AYES – 7, NAYS – 0 ABSENT - 0. Motion carried.

**TREASURER'S REPORT:**

Mrs. Peterson asked for a motion to approve the Treasures Report for September 2022. Mrs. Stine made a motion to approve the Treasurer's Report; seconded by Mr. Hoffa. AYES – 7, NAYS – 0 ABSENT – 0. Motion carried.

**WESTERN BERKS FIRE DEPARTMENT:**

Mrs. Peterson stated that their September Activity Report is included in the email packet.

**WESTERN BERKS AMBULANCE:**

Mrs. Peterson stated that their September Activity Report is included in the email packet.

**REVITALIZATION:**

Mr. Hoffa mentioned that they had a meeting with PennDOT yesterday concerning the Penn Ave. / Route 724 intersection and they will be having another meeting on November 2<sup>nd</sup> at 1 p.m.

**UNFINISHED BUSINESS/POSSIBLE ACTION ITEMS:**

Mrs. Peterson stated that the only item is the Website. Mr. Metzgar deferred to Mr. Hart. Mr. Hart stated that we contacted PSAB, and they can do the Borough and Police sites for a not to exceed amount of \$4,000.00 for the first year and then there would be a renewal fee of \$597.00 per site annually. Mr. Metzgar stated that he was not comfortable with deciding on this tonight and that they need to discuss it further in committee. Mrs. Eagelman mentioned that they need to decide soon because the County site will be shut down on December 31<sup>st</sup>. Discussion ensued. Mr. Metzgar stated that the committee meet and have a decision for the Workshop meeting.

**NEW BUSINESS/POSSIBLE ACTION ITEMS:**

Mrs. Peterson stated that the first item is Payment Application No. 1 from Warko Group for \$229,523.40 for the Roof replacement. She asked if the leak from last week was fixed. Mr. Hart stated that they said they fixed it. He mentioned that we are still holding some money and that he wants to go on the roof with the roofers to personally see that spot. Mr. Miller made a motion to

**NEW BUSINESS/POSSIBLE ACTION ITEMS (Cont.):**

approve Payment Application #1 from Warko Group in the amount of \$229,523.40; seconded by Mrs. Gantner. AYES – 7, NAYS – 0 ABSENT – 0. Motion carried.

The next item was to approve the sale of surplus equipment on Municibid. Mr. Hart mentioned that they had placed quite a few items on Municibid, and all of the bids came in on Monday. He stated that he would like to get Council's approval to release the items that sold for a total of 35,943.00. Mr. Hoffa made a motion to release the items sold on Municibid; seconded by Miller. AYES – 7, NAYS – 0 ABSENT – 0. Motion carried.

The next item was to approve the Lower Heidelberg Township Capacity Request. Mr. Smith mentioned that Lower Heidelberg Township has a development coming in that is going to produce 6,636 gpd of flow. He stated that their current average flow is 128,768 gpd and their current capacity in the plant is 254,055 gpd. He stated that he does not see any reason to deny their request because it is not for additional capacity it is to use capacity they already have in our plant. Mrs. Stine made a motion to approve their request; seconded by Mr. Miller. AYES – 7, NAYS – 0 ABSENT – 0. Motion carried.

**BRAD SMITH – ARRO CONSULTING – ENGINEER – POSSIBLE ACTION ITEMS:**

Mr. Smith's first actionable item was a Waiver Request for Hoffmann Industries. Mr. Smith stated that the developer is here tonight with a presentation for the project. Mr. Brian Cooley from D. C. Gohn Associates, Inc. and Mr. Jeff Garner from Dolan Construction addressed Council. Mr. Cooley stated that they submitted a Sketch Plan for Hofmann Industries and a Waiver request to proceed as a Preliminary/Final Plan. He stated that yesterday the Supervisors of Spring Township did recommend and approve a deferral of any plan review to the Borough of Sinking Spring. He explained that they are proposing additional paved area for truck access, parking, and other site improvements. Mr. Hoffa stated that it is the Planning Commission's recommendation to approve waiving the Preliminary plan review. Mr. Miller questioned how much paved area they are adding. Mr. Cooley stated that it is 22,000 square feet of new paved area. Mr. Hoffa made a motion to approve the combination of Preliminary/Final Plan review; seconded by Mrs. Stine. Mr. Miller asked if we need to worry about storm water retention for this new area. Mr. Smith stated that this is a sketch plan and an informal submission made to the Borough for Council to address concerns such as storm water and any other issues Council may have. He stated that storm water design would be part of the Preliminary/Final Plan submission. AYES – 7, NAYS – 0 ABSENT – 0. Motion carried.

Mr. Smith mentioned that PADEP has issued the Water Quality Part II Permit for the installation of the Wastewater Treatment Plant Influent Meter. He stated that he believes that the Borough can handle the installation on their own but wanted to offer ARRO's assistance if needed. Mr. Hart stated that we will handle it with staff and bring ARRO in if needed.

**POLICE CHIEF JAMES OXENREIDER:**

Chief Oxenreider read a letter from Part Time Officer Matthew Planer. Mr. Planer mentioned that he has been employed by the Borough of a total of over twenty-five (25) years. He thanked everyone at the Borough, Council, Mayor, and staff and explained that he is transferring to Delaware effective October 1, 2022. Mr. Miller made a motion to accept Mr. Planer's resignation with regrets and good wishes and added that he hopes we send a letter expressing that to him and thank him for his service; seconded by Mrs. Stine. Mayor Cirulli stated that we should get him a plaque for all of the years of service here at the Borough. Mr. Miller stated that he will amend his motion to add sending Mr. Planer a plaque; seconded by Mrs. Stine. AYES – 7, NAYS – 0 ABSENT – 0. Motion carried.

Chief Oxenreider went over his activity report for September 2022. He also mentioned that he took down the two speed signs and it is going well. He stated that the highest speed on Broad Street was 45 mph and Reedy Road was also 45 mph. He mentioned that he took down the sign on Ruth Street to be changed and the highest speed there was 40 mph.

**BRAD SMITH – ARRO CONSULTING – ENGINEER**

Mr. Smith gave an update on the Phase 2 Project. He stated that PennDOT has the plans in their possession, and they have asked questions and ARRO has responded immediately and they are waiting for PennDOT to release the plans. Mr. Hart stated that we are hoping that the work starts back up by the end of October. He mentioned that he has been working on getting grants extended again. Mr. Miller mentioned applying for a Small Water Grant for the stormwater work. Mr. Hart asked if that would work since we are already under contract. Mr. Miller stated that we could check.

**CHARLES HAWS – SOLICITOR:**

Mr. Haws mentioned that at the last meeting there was a discussion about Street Occupancy Permits and that Mr. Hart sent him a copy of an Ordinance the Borough has from 1991. He stated that basically we have everything that we need in that Ordinance to cover this type of situation. He stated that the Ordinance requires a permit that is good for one year, it includes utilities and other property owners, it requires a traffic control plan, we can require signs to be posted a week or two prior to closure, and we can require written notice. He mentioned that there is a provision for pulling an emergency permit and providing notices, but it really needs to be an emergency. He stated that we have everything we need in the current Ordinance, just need to enforce it.

Mr. Haws mentioned that he has a draft Resolution to implement Act 57 of 2022 that amends the Local Tax Collection Law. He explained that there have been situations where the tax collector sent the tax bill to a prior property owner so we need to pass a Resolution at the next meeting so that a property owner who did not get a bill can go through a process to have the late fees or penalties waived. He mentioned that the Resolution must be adopted by January 1, 2023. Mrs. Peterson asked if the Resolution could be sent out prior to the Workshop Meeting so Council could review it.

**MIKE HART – BOROUGH MANAGER:**

Mr. Hart mentioned that he approved a payment to Construction Masters Services for \$188,311.00 for the work that they did to date plus for the stored materials that are on site that we could be invoiced for. He stated that he wanted to get that paid quickly so he could apply for reimbursement from the grant so the state can see that we are using it.

Mr. Hart mentioned that we received a check from our workers comp insurance for over \$12,000.00 because our claims have been down. He also mentioned that he is working on the 2023 Budgets and will have them ready for the Workshop Meeting on October 26<sup>th</sup>. He mentioned that the General Fund Budget, without and Capital items, does not look too bad, and the Emergency Services Fund Budget looks ok, but he is waiting on the final numbers for the dispatch fees from the County. He mentioned that we may have to raise sewer rates because the cost of the chemicals has doubled and are hard to get. Mr. Miller mentioned that there is an EMS crisis across the country and especially in Pennsylvania. He stated that we need to consider increasing the EMS allocation and get the word out to all the municipalities around us. Mr. Hart asked if Mr. Tucci will be sending out a new Agreement with a new rate. Mr. Miller stated that the new Agreements would come after discussing the need with everyone and coming to an agreement. Lengthy discussion ensued concerning EMS crisis.

**TRACY PETERSON – LIBRARY:**

Mrs. Peterson thanked the staff for getting info out, so everyone is informed, and she thanked Council for working together.

Mrs. Peterson stated that the library needs to hire two new Library Assistants/Passport Agents. She asked for a motion to hire David Long at \$11.00 per hour pending his clearances coming back and Zachary Williams at \$11.00 per hour whose clearances came back good. Mrs. Stine made the motion as listed above; seconded by Mrs. Gantner. AYES – 7, NAYS – 0 ABSENT – 0. Motion carried. Mr. Miller asked if we could set staffing levels and pay rates so they would not have to wait for a meeting to hire replacements. Mr. Haws stated that they could but would have to ratify the hiring at a meeting.

**ROBERT METZGAR – ADMIN COMMITTEE:**

Mr. Metzgar mentioned that they need to schedule a quick Admin Committee meeting for early next week. Mrs. Peterson asked if they could talk about the website then send an email out to Council and ratify the decision at meeting, so we don't hold it up any longer. Mr. Haws stated that Council could make a motion authorizing moving forward with it pending committee review. Mr. Metzgar made that motion; seconded by Mrs. Gantner. AYES – 6, NAYS – 1 ABSENT – 0. Motion carried.

**LISA GANTNER – RECREATION:**

Mrs. Gantner asked about Trick-or Treat night and if it would be Monday, October 31<sup>st</sup>. Chief Oxenreider stated that it would, and it will be from 6:00 p.m. to 9:00 p.m. rain or shine.

Mrs. Gantner mentioned that the Rec Dept. really wants to work on upgrading our facilities since we have all the new land with the Historical Society and the Butkus property. She stated that the only way we can apply for grant money is to have a Master Plan. She mentioned that they met with two groups, Derck and Edson and HRG and so far they have an estimate for creating the Master Plan from HRG for \$24,600.00 and she should have an estimate from Derck and Edson by the end of the month.

**DENISE STINE – PUBLIC SAFETY:**

Mrs. Stine mentioned that Western Berks Fire Department will be having their Open House for Fire Prevention Week at the Wernersville Station this Saturday, from 10:00 a.m. to 2:00 p.m.

**PATRICK GIAMBALVO:**

Mr. Giambalvo mentioned that he has gotten multiple complaints regarding the redistricting of the schools. Mayor Cirulli stated that the Borough has no control over that and mentioned that there is a driver shortage.

**ADJOURNMENT:**

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

Respectfully submitted,



Elizabeth A. Eagan  
Borough Secretary