

Sellersville Borough Council Chambers
140 East Church Street
Sellersville, PA 18960

January 7, 2019
7:00 O'clock P.M.

The regular January, 2019 meeting of Sellersville Borough Council was called to order by President Lois Dodson at the above designated time and location.

All present joined in offering our "National Pledge of Allegiance".

ROLL CALL:

Mayor	:	Thomas C. Hufnagle, Mayor
Councilpersons	:	Lois A. Dodson, President Alexander M. Potoczny, Jr., Vice-President James G. Hull, President Pro Tem Donald Crouthamel Kathleen J. Hallman Marie G. Howells Lynne Saylor
Borough Solicitor	:	Randal White, Esquire
Borough Engineer	:	
Police Service Provider	:	Perkasie Police Detective Sargent Russ Closs, Jr.
Manager/Secretary	:	David J. Rivet
Absent	:	

NUISANCE HEARING - 216 WASHINGTON AVENUE

President Dodson opened the Nuisance Hearing regarding, the property at 216 Washington Avenue, Sellersville, PA 18960 owned by Robert Van Demark. She turned the proceedings over to Solicitor Randal White. Mr. White began the hearing by explaining the procedure that would be followed which is to call Manager Rivet and Mayor Hufnagle as witnesses, have them individually sworn in by the court stenographer and then questioned on their findings of a nuisance situation at the subject property. The witnesses could also be asked questions by Council. Sworn testimony from others in the audience who wished to speak would then be allowed.

Manager Rivet was asked if he would recognize Mr. Robert Van Demark and if so, if the subject was present. Mr. Rivet stated he would recognize him and that Van Demark was not present. He was then questioned on his Nuisance Investigation report of November 9, 2018 and accompanying photographs; his November 12, 2018 Notice of Violation letter; December 20, 2018 Notice to Van Demark regarding the Nuisance hearing; photographs taken January 4, 2019 and to discuss previous notices Van Demark had been given since 2013 regarding high grass, his dogs defecating and urinating on neighboring properties as well as his failure to clear snow from the sidewalk.

Mayor Hufnagle was then disposed and questioned on his November 12, 2018 Investigation and Report of Nuisance Violation and the follow-up report to Council dated December 10, 2018.

Neighbor Lauren Gorr, 224 Washington Avenue was sworn in and stated that she has lived at her residence since 1989 and that the situation living next to Van Demark has been intolerable. The junk, noise, large number of questionable people who have come and gone, his erratic behavior and dog urinating and defecating on her lawn has made her life very difficult.

Barry Kuhn, 121 West Church Street stated that in the winter of 2013-14, Van Demark drove a truck over his property, while driving without a license, and did over \$1,000 in damage. Mr. Kuhn took Van Demark to court and was awarded damages and no contact with him. Van Demark did not pay and the court gave Van Demark 90 days in jail for contempt of court. In

November 2018, Van Demark had debris in his back garage entrance that was extensive enough that it fell into the alley. Mr. Kuhn stated that Van Demark should be thrown into jail, the house sold and restitution given to all owned money by Van Demark.

Kathy Dabanian, 210 Washington Avenue, presented a printout of a series of emails she has sent to Police Chief Hillias over time regarding her problems with Van Demark. She stated that living next to him has been a nightmare. She that the junk, noise, large number of questionable people who have come and gone, erratic behavior and his dog urinating and defecating on her lawn has made her life intolerable and she hates coming home.

Councilman Crouthamel asked Detective Sgt. Closs if there had been any mental health referrals for Van Demark. Sgt. Closs stated none of which he was aware.

Solicitor White informed the Council that he would review the hearing transcripts when complete, draft a conclusion and finding of law and prepare recommendations to Council for action. President Dodson closed the hearing at 8:25 p.m.

Council took a recess and reconvened at 8:35 p.m.

CONSENT CALENDAR:

A. Minutes:

1. Regular December, 2018 Meeting
 - B. January, 2019 Treasurer's Report by Cheryl Zischang
 1. See Treasurer's Report on file.
 - C. January, 2019 Tax Collector's report by Sue A. Snyder
 1. See Tax Collector's Report on file.
 - D. January, 2019 Mayor Thomas C. Hufnagle's Report
 1. See Perkasio Police Department Report on file.
 - E. January, 2019 Reports from Operating Departments
 1. Public Works Department Report by John Barry Snyder, Foreman
 - a. General Maintenance: Cleaned storm inlets, storm pipes and ditches; repaired and maintained vehicles; various shop repairs and improvements; cleaned areas of shop inside and outside; pothole patching; installed new street signs/posts and repaired street signs; removed Christmas decorations.
 - b. Sewer System: Opened sewer laterals; opened sewer main.
 - c. Park and Playground: Removed trash; picked up branches; cut dead trees; closed restrooms; and installed a memorial bench.
 2. Administration Report by David J. Rivet, Manager/Secretary
- Staff Report:

- a. All administrative matters are of the routine nature.
- b. Building Permits:

None
- c. Zoning Permits

1. St. Agnes R.C. Church
2. Christopher Youngs

445 N. Main Street
230 W. Park Avenue

message board sign
shed

- F. January, 2019 Solicitor's Report by Fox, Rothschild, LLP
 - 1. See Solicitor's Report on file.
- G. January, 2019 Engineer's Report
 - 1. No written report from any Borough Engineers.
- H. January, 2019 Reports from Commissions and Boards.
 - 1. Park and Recreation Board: Kathleen Hallman, Chairperson
 - a. See Park and Recreation Board Minutes on file.
 - b. Next regular meeting scheduled for February 5, 2019
 - 2. Planning Commission: John Larsen, Chairperson
 - a. December meeting cancelled.
 - c. Next regular meeting scheduled for January 28, 2019.
 - 3. Zoning Hearing Board: Matthew A. Swierzewski, Chairperson.
No Business
 - 4. Emergency Management Agency: Craig A. Wilhelm, Coordinator
No Business
- I. January, 2019 Report from Committee of Council
 - a. See Public Management Committee minutes for December 18, 2018.

A motion was made by Mr. Hull that the Consent Calendar, Items (A) through (I), be approved as presented. Mr. Potoczny seconded and the motion carried unanimously.

CITIZEN PARTICIPATION:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- A. Ordinances
None

- B. Resolutions
 - Resolution 19-01 - Mr. Hull moved to approve Resolution No. 19-01, a resolution declaring the intent to follow schedules and procedures for disposition of public records and authorizing disposition of certain borough records be passed. Motion was seconded by Mrs. Hallman and passed with all in favor.

Resolution 19-02 – Mr. Hull moved to approved Resolution No. 19-02, a resolution to provide a block grant in 2019 of \$7,200 to the Sellersville Fire Department. Motion was seconded by Mr. Crouthamel and passed with all in favor.

- C. Motions
 - 1. Mr. Potoczny moved to re-appoint Cowan Associates as borough engineer and Fox Rothschild, LLP as borough solicitor. Ms. Saylor inquired as to whether the appointment would preclude selecting other firms from performing legal or engineering services. Manager Rivet said that it would not prevent the Borough from hiring other firms for specific projects such as a bridge replacement, revitalization. Mr. Crouthamel stated that perhaps the borough should consider getting bids from other firms in the future as that is something that has been discussed at PSAB conferences. Motion was seconded by Ms. Saylor and passed with all in favor.

D. Authorizations
None

E. Agreements

Mr. Crouthamel moved to approve Addendum Three to the Articles of Agreement with H.A. Berkheimer to extend the term from January 1, 2019 to December 31, 2021 for the collection of Per Capita, Occupational taxes and Addendum Four for the same term for the collection of occupation privilege tax, also known as local services tax on behalf of the borough. Motion was seconded by Ms. Saylor and passed with all in favor.

F. Appointments
None

OTHER BUSINESS

Mrs. Howells thanked Sgt. Closs for his assistance in obtaining a good copy her late son's fingerprints for a pendant.

Mrs. Hallman stated that the public works crew did a good job fixing the railroad station parking lot potholes.

Mr. Crouthamel inquired as to whether or not Republic was actually recycling the materials collected in the residential recycling containers. Manager stated that short of following the trucks to their final destination it would be most difficult to verify.

AUTHORIZATION FOR PAYMENT OF INVOICES:

The monthly invoices were presented for payment authorization. Mr. Hull made a motion "that the invoices as presented be authorized for payment". Ms. Saylor seconded and the motion carried. Checks drawn in payment of the invoices are as follows: General-Water-Sewer Check Nos. ____ through ____, totaling \$ ____.

EXECUTIVE SESSION

President Dodson adjourned Council for an executive session to discuss matters of attorney/client privilege at 9:00 p.m. Regular Council session resumed at 9:11 p.m.

ADJOURNMENT:

There being no additional matters to come before this meeting of Borough Council, President Lois Dodson declared this meeting duly adjourned at 9:12 p.m. The next regular meeting is scheduled to be held on February 11, 2019 at 7:00 p.m.

Attest: _____
David J. Rivet, Secretary
Sellersville Borough Council