

Sellersville Borough Council
140 East Church Street
Sellersville, PA 18960

August 8, 2022
7:00 P.M.

The Regular August 8, 2022 Meeting of Sellersville Borough Council was called to order at 7:00 p.m. by Vice President Alex Potoczny.

All present joined in offering our National Pledge of Allegiance.

I. ROLL CALL:

Mayor: Mayor Thomas C. Hufnagle

Councilpersons: Alexander M. Potoczny, Jr., Vice-President
James G. Hull, President Pro Tem
Kathleen Hallman
Marie Howells

Absent: Lois A. Dodson, President
Donald Crouthamel
Lynne Saylor

Borough Manager: Eileen M. Bradley, Borough Manager
Solicitor: Randal S. White, Esq.
Engineer: J. Cheryleen Strothers

II. CHANGES, ADDITIONS, DELETIONS TO THE AGENDA:

There were no changes, additions, or deletions to the Agenda.

III. PUBLIC COMMENT NON-AGENDA ITEMS:

There was no public comment at this time.

IV. PRESENTATIONS AND HEARINGS:

A. Hearing: Ordinance #740, Ordinance Repealing Chapter 65 Disorderly Conduct:

Ms. Bradley presented proposed Ordinance #740, and ordinance repealing Chapter 65 of the Codified Ordinances of Sellersville Borough on Disorderly Conduct. The ordinance would repeal the entire chapter, as State law supersedes any regulations regarding this material.

A motion was made by Mrs. Howells, seconded by Mrs. Hallman, and unanimously approved, to adopt Ordinance #740, repealing Chapter 65 of the Codified Ordinances of Sellersville Borough.

B. Hearing: Ordinance #741, Ordinance Repealing Ordinance #693 and adopting New Stormwater Management Provisions:

Ms. Bradley presented proposed Ordinance #741, an ordinance repealing Ordinance #693 and adopting new comprehensive MS4 Stormwater Management Provisions, per DEP requirements.

A motion was made by Mr. Hull, seconded by Mrs. Howells, and unanimously approved, to adopt Ordinance #741, repealing Ordinance #693 and adopting new MS4 Stormwater Management regulations.

V. DEVELOPER ITEMS:

A. 4th Soil /Sellersville Business Campus:

Appearing for the Applicant, Sellersville Business Campus, was Mr. Nate Fox, Esq. of Obermeyer and Mr. Dave Weaver, P.E. of Penn E&R, Inc. Mr. Fox stated that this project was a realignment of lot lines on a subdivision of six lots in the I-Industrial Zoning District, originally approved in 2014. Two of those lots were the current site of Solar Manufacturing.

This project consisted of reconfiguration of the remaining four lots on the cul-de-sac, where the Applicant proposed construction of three one-story light-industrial flex-space buildings of less than 40 feet in height: Lot A was proposed for a 68,800 s.f. building; Lot B for 59,975 s.f.; and Lot C for 53,125 s.f., for a total of 181,900 s.f. of commercial space. There were no plans at this point for construction on Lot D.

The Applicant had appeared before the Planning Commission twice and requested Preliminary/Final approval from the Commission and would comply with all review letters, subject to the submitted Waiver Request Letter.

It was noted that the proposed plan provided only 11% building coverage where allowable coverage was a maximum of 50%, a significant reduction in density than what was approved in 2014. The Applicant stated that a recent review of the proposed Traffic Generation reflected about a 50% reduction in projected trips per day over the 2014 projections.

The Applicant had increased the landscape buffering around the property facing Diamond Street, Hughes Avenue and Wyckford Drive at the Planning Commission's request, which exceeded ordinance requirements. Mr. Weaver added that the buffer would consist of a mix of blue spruce, arbor vitae and Leland cypress. Buffering locations would be determined in the field for maximum coverage. The existing chain link fence would be removed.

Mrs. Howells asked about the number of truck bays. Mr. Fox stated that the depicted ninety-two bays reflected the maximum by ordinance, but the end number would be consistent with the users. They planned on one or two bays per space due to small businesses. No large-scale distributors were planned.

Mr. Hull asked about overhead electric lines. Mr. Fox stated that discussions with PPL were ongoing.

Ms. Strothers questioned the reserve parking proposed and how it would be memorialized. Mr. White stated that the requirements related to reserve parking would be laid out in the Developer's Agreement.

Mr. Potoczny called for public comment on the proposed project. There was no public comment at this time. He then called for a motion.

A motion was made by Mrs. Hull, seconded by Mrs. Hallman, and unanimously approved, to grant Preliminary/Final subdivision and land development approval to 4th Soil Sellersville Business Campus LLC as set forth in plans dated May 20, 2022, last revised July 26, 2022; to grant the Applicant's waiver requests as outlined in the Penn E&R letter dated June 20, 2022, subject to the conditions set forth in this motion; and conditioned upon compliance with the Borough Engineer's review letter from Cowan Associates dated June 13, 2022; and conditioned upon execution of a Land Development and Financial Security Agreement and Stormwater Management Facilities Maintenance Agreement acceptable to Sellersville Borough and the Borough Engineer.

VI. BOROUGH BUSINESS ITEMS:

A. CONSENT CALENDAR:

1. Minutes of July 11, 2022 Council Meeting
2. July 2022 Treasurer's Reports: See Treasurer's Report on file.
3. July 2022 Tax Collector's Reports: See Tax Collector's Report on file.
4. July 2022 Mayor Hufnagle's Report: See PPD Report on file.
5. July 2022 Reports from Operating Departments:
6. July 2022 Solicitor's Report: See Solicitor's Report on file.
7. July 2022 Engineer's Report: No Report Received.
8. July 2022 Reports from Commissions and Boards:
 - a. Public Management Committee Minutes: No meeting
 - b. Parks and Recreation Board Minutes of July 5, 2022
 - c. Planning Commission Minutes of July 18, 2022
 - d. Zoning Hearing Board: see below.
 - e. Emergency Management Agency: No business.

d. EthanMatthew, LLC Zoning Hearing:

Ms. Bradley noted that on Wednesday, August 24, 2022 at 7:00 p.m., the Zoning Hearing Board would consider the Application of EthanMatthew, LLC, 35 Maple Avenue, TMP #39-005-057 for zoning relief pursuant to the Sellersville Zoning Ordinance §160.20.C(1)-(4), §160.31.C(2), and §160-52, et seq. and a special exception under the Use Regulations Table to allow for Conversion Apartment Use in the BC-Borough Core Zoning District. The

Applicant wished to convert the existing warehouse/wholesale use at 35 Maple Avenue to apartments on the second and third floors and a sit-down restaurant and two apartments on the first floor.

Mrs. Howells was not in favor of allowing two apartments on the first floor. Ms. Saylor agreed and noted that Council had recently passed an ordinance that would prohibit apartment conversions on the first floor in the BC District.

A motion was made by Mrs. Howells, seconded by Mrs. Hallman, and unanimously approved to send the Borough Solicitor to the Zoning Hearing Board to oppose the Application.

A motion was then made by Mr. Hull and seconded by Mrs. Hallman, to approve the Consent Calendar items 1 through 8, excluding item A.8.d, as presented. The motion carried unanimously.

VII. MAYOR, COUNCIL AND STAFF BUSINESS AND COMMENTS:

H. Manager

1. Park and Recreation Board Vacancy

Ms. Bradley had received a resume and letter of interest from resident Michele Golden, expressing interest in a Park and Recreation Board vacancy. The Board had unanimously recommended Ms. Golden for appointment to the vacancy.

A motion was made by Mrs. Hallman, seconded by Mr. Hull, and unanimously approved, to appoint Ms. Michele Golden to the Park and Recreation Board for a term expiring 12/31/2025.

2. Lawn Avenue Reconstruction

Ms. Bradley conveyed information she had garnered from a meeting with PennDOT's engineering consultant for designs for reconstruction of Lawn Avenue and a proposed underground stormwater basin. PennDOT would build the facility and a parking lot on top of the basin at no cost to the Borough, provided the Borough accepted the maintenance obligations going forward. PennDOT was asking if Sellersville was amenable to the idea. Council was behind the idea, provided that Sellersville had input into the design.

Additionally, Ms. Bradley stated that PennDOT had asked if the Borough would consider a "take-back" of a portion of Lawn Avenue between Noble Street and Maple Avenue. Consensus was that Council was not interested at this time.

3. PennDOT Winter Maintenance Contract

Ms. Bradley noted that PennDOT had increased the contracted allotment for winter maintenance on specific roads within the Borough. This was in aid of the increase in fuel prices.

4. Pine2Pink Fundraiser

Ms. Bradley had received a request that Sellersville participate in the annual Pine2Pink Breast Cancer Fundraiser that many adjoining communities currently sponsor. This item was tabled for the next meeting.

IX. OTHER BUSINESS:

A. Residential Permit Parking

Ms. Bradley noted that she had received a request from a resident for institution of a residential permit parking program. Mr. Potoczny asked that the topic be added to the next Public Management Committee Meeting.

IX. PUBLIC COMMENT:

Mr. Gary Keating of Lawn Avenue expressed concern over the number of Bair Tree Service trucks that traveled along Lawn Avenue with excessively heavy loads. He believed that the pavement at the bottom of Lawn Avenue was very thin. Mr. Potoczny noted that Lawn Avenue was a State Highway, under the maintenance and control of PennDOT. Ms. Bradley stated that she would discuss stepping up enforcement with Chief Schurr.

X. AUTHORIZATION FOR PAYMENT OF INVOICES:

The monthly invoices were presented for payment authorization, with General and Sewer Fund Check Numbers 30235 through 30290 totaling \$344,762.76.

A motion was made by Mr. Hull and seconded by Ms. Saylor to authorize payment of Bills for the month of August 2022 totaling \$344,762.76. The motion carried unanimously.

XI. EXECUTIVE SESSION:

At 7:55 p.m., Council convened into Executive Session to discuss land acquisition. No action was taken. The Regular Meeting reconvened at 8:05 p.m.

XII. ADJOURNMENT:

There being no additional matters to come before this meeting of Borough Council, Vice-President Alexander Potoczny declared the meeting duly adjourned at 8:05 p.m. The next Regular Meeting was scheduled for Monday, September 12, 2022 at 7:00 p.m.

Attest: _____
Eileen M. Bradley, Secretary
Sellersville Borough Council