

Sellersville Borough Council
140 East Church Street
Sellersville, PA 18960

January 9, 2023
7:00 P.M.

The Regular January 9, 2023 Meeting of Sellersville Borough Council was called to order at 7:00 p.m. by President Lois Dodson.

All present joined in offering our National Pledge of Allegiance.

I. ROLL CALL:

Mayor: Thomas C. Hufnagle

Councilpersons: Lois A. Dodson, President
Alexander M. Potoczny, Jr., Vice-President
James G. Hull, President Pro Tem
Donald Crouthamel
Kathleen Hallman
Marie Howells
Lynne Saylor (via Zoom)

Borough Manager: Eileen M. Bradley, Borough Manager
Solicitor: Randal S. White, Esq.
Chief Robert Schurr

II. CHANGES, ADDITIONS, DELETIONS TO THE AGENDA:

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

III. PUBLIC COMMENT NON-AGENDA ITEMS:

Mr. Greg Castelli of Sellersville Fire Department asked if the Borough had made any progress with addressing flooding issues along the Perkiomen Creek. Ms. Bradley stated that Sellersville had contracted with Gilmore and Associates for a joint study of the Perkiomen Creek in Sellersville and Perkasio. The preliminary field work had been completed for both communities, and the Borough was awaiting a report on findings, with recommendations for remediation.

Ms. Tina Weaver of Hughes Avenue asked if any progress had been made regarding parking at the intersection of Diamond and Clymer Avenues and the sight distance issues there. Ms. Bradley noted that a section of approximately thirty feet of curbing and signage had been installed to designate a no parking area on Diamond Street. Chief Schurr added that he had gone out and looked at the intersection himself and found no issues. Further, he had asked several officers in distinct types of vehicles to do the same. There was no sight distance issue at that location.

IV. PRESENTATIONS AND HEARINGS:

There were no presentations or hearings at this time.

V. DEVELOPER ITEMS:

- A. Proposed Settlement – Curtis Building Group (Elmhurst Gardens/Lenape Woods): Solicitor Randy White announced that an agreement had been reached by the Borough and the Curtis Building Group for development of multiple parcels in the PR – Planned Residential District.

Mr. White gave a brief history on the subject. Curtis Building Group originally filed plans in July 2001 for townhouses. Over the next seven years, there were many iterations of that plan consisting of townhouses or apartments. In September 2008, a six-story seventy-four-unit age-restricted apartment building was filed and subsequently denied by Council. Curtis appealed that decision to the Court of Common Pleas. In 2010, a settlement was reached between the two parties for three separate buildings at four stories each with eighty-five age-restricted units.

At the downturn of the economy, Curtis stated that the project could not be built economically and requested removal of the age restriction. Council denied that relief, as age-restricted communities produce no school-age children, have fewer motor vehicles, fewer trips per day, etc.).

Curtis filed a new plan in 2015 for a six-story apartment building with one entrance onto Hughes Avenue, narrow roads, no buffering and too few parking spaces. After multiple hearings, Council denied this plan. Curtis subsequently appealed this decision as well. The project then sat dormant but open in the Court system.

In late 2021, Curtis filed another plan for a six-story apartment building with 110 units, with an added exit onto Park Avenue, but with the same narrow roads, limited parking, and bad buffering, known as Elmhurst Gardens. Council denied the plan in June 2022 and Curtis subsequently appealed this decision as well. At the same time, Curtis also filed another plan for seventy-eight townhouses. To date, Council has not rendered a decision on this plan. During these latest plan submissions, Staff met with Curtis multiple times to attempt to reach a compromise.

The Settlement Plan:

The negotiated Settlement Plan consists of seventy-two townhouse units. No reserve parking is required, but garage use and dimensions must meet current ordinances. The width of the private roadways has been increased, along with the space between buildings. Access off of Hughes and Elmhurst Avenues has been removed; an emergency-only access will be installed at Pine Street. Twenty-five-foot landscape buffers will be installed at all locations that abut residential properties, close to the property lines to maximize buffering for adjoining properties, and in compliance with current ordinances. The existing appeals before the Court of Common Pleas would be withdrawn by Curtis.

Mr. White stated that should Council approve the agreement, which had already been signed by Curtis Building Co., the Stipulated Agreement must go before the Court of Common Pleas for their approval. Once approved fully, the project would

need to be fully engineered and approved based on current ordinances and the Stipulated Agreement.

Mr. Crouthamel asked if the 10% commercial requirement had been met. Mr. White responded that that requirement had been waived.

Mr. William Reisman of Hughes Avenue asked if the buffer area could be increased to over twenty-five feet and would there be walkways between Elmhurst and Hughes Avenues. Would a traffic signal system be installed at Park Avenue?

Mr. White responded that the ordinance only required twenty-five feet of buffering. There were no walkways currently on the Plan. Mr. Scott McMackin, P.E. stated that PennDOT would need to review the plans as well and might make requirements. He suspected that a traffic study would be required at minimum, with adjustments to the Five Points signal system.

Mr. Crouthamel made a motion, seconded by Mr. Potoczny, to authorize execution of the Stipulation and Settlement Agreement with Curtis Building Co. The motion passed on a vote of six to one, Mrs. Howells opposed.

VI. BOROUGH BUSINESS ITEMS:

A. CONSENT CALENDAR:

1. Minutes of December 12, 2022 Council Meeting
2. December 2022 Treasurer's Reports: See Treasurer's Report on file.
3. December 2022 Tax Collector's Reports: See Tax Collector's Report on file.
4. December 2022 Mayor Hufnagle's Report: See PPD Report on file.
5. December 2022 Reports from Operating Departments:
6. December 2022 Solicitor's Report: See Solicitor's Report on file.
7. December 2022 Engineer's Report: No Report Received.
8. December 2022 Reports from Commissions and Boards:
 - a. Public Management Committee Minutes
 - b. Parks and Recreation Board Minutes of December 6, 2022
 - c. Planning Commission Minutes
 - d. Zoning Hearing Board
 - e. Emergency Management Agency

A motion was made by Mr. Potoczny and seconded by Mr. Hull, to approve the Consent Calendar items 1 through 8. The motion carried unanimously.

VII. MAYOR, COUNCIL AND STAFF BUSINESS AND COMMENTS:

E. Chief of Police

Chief Schurr updated Council on a recent complaint of speeding near the intersection of Washington and Winard Avenues. Officers had spent several weeks monitoring traffic and continuing a presence on those roads, particularly during the school morning arrival and afternoon dismissals. A speed board was also installed over a ten-day period. Out of 5,878 vehicles on the road, only two violations were warranted and issued. While officers would continue to maintain a presence, forces would be out again in February for a similar study.

H. Manager

1. Resolution #2023-01 Appointments to Boards and Commissions:

Ms. Bradley presented a resolution that outlined all appointments to boards, commissions, and staff positions for 2023. Those whose terms expired on 12/31/22 had agreed to continue at their present positions. Changes included appointment of Jake Detweiler to the Sellersville Historical and Achievement Authority and Mr. Don Crouthamel to the West Rockhill-Sellersville Joint Recreation Authority.

A motion was made by Mr. Potoczny, seconded by Mr. Hull, to enact Resolution #2023-01, Appointments to Boards and Commissions for 2023. The motion passed six to zero, with Mr. Crouthamel abstaining.

2. Setting Treasurer Bond:

Ms. Bradley recommended setting the Treasurer's Bond amount at \$150,000.00.

A motion was made by Mr. Hull, seconded by Ms. Saylor, and unanimously approved, to set the Treasurer's Bond amount at \$150,000.00.

3. Approval of 2023 Meeting Dates:

Ms. Bradley presented the final draft of the 2023 Meeting Schedule. She noted that Public Management Committee meetings had been moved to Wednesdays and Planning Commission Meetings had been changed from 7:30 to 7:00 p.m.

A motion was made by Mr. Crouthamel, seconded by Mrs. Hallman, and unanimously approved, to adopt the 2023 Meeting Schedule.

4. Resolution #2023-02 Fee Schedule for 2023:

Ms. Bradley presented Resolution #2023-02, the Fee Schedule for 2023. Mr. Crouthamel expressed concern over the \$50.00 charge for sidewalk permits. Ms. Bradley stated that the fee would cover third-party inspection fees.

A motion was made by Mrs. Howells, seconded by Mr. Hull, and unanimously approved, to adopt Resolution #2023-02, the 2023 Fee Schedule.

5. Resolution #2023-03 Perkasio Police Roster 2023:
Ms. Bradley presented Resolution #2023-03, appointing and accepting the Perkasio Police Personnel Roster, for joint mutual aid.

A motion was made by Mr. Hull, seconded by Mr. Potoczny, and unanimously approved, to adopt the Perkasio Police Personnel Roster for joint mutual aid.

IX. OTHER BUSINESS:

Mr. Crouthamel inquired about progress on the streetlights on the railroad bridge. Ms. Bradley stated that the project manager assigned by PP&L had retired, and she needed to schedule a meeting with the new manager.

Ms. Dodson inquired about a resident that reported a sight distance issue at the intersection of Township Road and Diamond Street. Ms. Bradley stated that she had checked the intersection herself, then had a police officer do the same. There was no sight distance issue at the intersection. Ms. Dodson requested that the manager follow up with the resident.

IX. PUBLIC COMMENT:

Ms. Tina Weaver stated that she still could not see clearly at the intersection of Diamond Street and E. Clymer Avenue. Chief Schurr stated that the site distance was fully adequate and there was nothing further that could be done within the law.

X. AUTHORIZATION FOR PAYMENT OF INVOICES:

The monthly invoices were presented for payment authorization, with General and Sewer Fund Check Numbers 30553 through 30631 totaling \$329,137.88.

A motion was made by Mr. Potoczny and seconded by Mr. Hull to authorize payment of Bills for the month of December 2022 totaling 329,137.88. The motion carried unanimously.

XI. EXECUTIVE SESSION:

Council convened into Executive Session at 8:15 p.m. to discuss litigation. The meeting reconvened at 9:05 p.m., and reconvened at 8:20 p.m. No action was taken.

XII. ADJOURNMENT:

There being no additional matters to come before this meeting of Council, President Lois Dodson declared the meeting duly adjourned at 8:20 p.m.

The next Regular Meeting of Council was scheduled for Monday, February 13, 2023 at 7:00 p.m.

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