

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was opened on Thursday, January 4, 2007 at 7:30 p.m., at the Sinking Spring Borough Hall, by President Lawrence Schmidt. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

Lawrence Schmidt
James Zerr
George Butkus
Bruce Light
Barbara Kutz
Stewart Wenrich
Dennis Leiby

Other officials present were: Mayor Clarence Noecker; Charles Fitzpatrick, Borough Solicitor; Regina Shade, Borough Secretary/Treasurer; who recorded the minutes of the proceedings.

Others present were: Robert Ludgate, Jr., Ludgate Engineering, David Schlott, Jr., ARRO Consulting, Michael Hart, Public Works Director, and representatives of the Liberty Fire Company.

APPROVAL OF MEETING MINUTES:

Mr. Light made a motion to approve the minutes from the December 7, 2006, December 11, 2006, and December 27, 2006 meetings; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

VISITORS:

Mr. Francis Butkus had no comment at this time.

COMMUNICATIONS:

Mrs. Shade read a letter from the residents on Cacoosing Avenue and North Hull Street voicing their concerns about certain projects going on, rumors about projected projects in their area, and proposed plans. A brief discussion ensued.

Mrs. Shade read a letter from Mr. George Butkus acting as a citizen not as a Councilman. Mr. Butkus was requesting payroll and employee benefit information for all employees for years 2000 through 2006. Mr. Butkus did amend his request via e-mail to Mr. Fitzpatrick and stated that he would send in a new letter to the Borough revising his request. The new request was for pay rates for all employees from 2000 to 2006; however the benefit information would only be necessary for the last year and the projected for 2007. It included life insurance, short term disability, eye and dental insurance, health insurance and any other benefits paid to employees. In addition, Mr. Butkus wanted the projected rates of everyone for the year 2007. It was stated in Mr. Fitzpatrick's e-mail that some of the information must redacted. Mr. Schmidt stated we must answer Mr. Butkus' request within five (5) days. He stated we did respond on January 2, 2007. Mr. Schmidt had Mrs. Shade read the response letter. The letter was written prior to the change of request information. The cost is .25 per page and once the amount goes over \$100.00 the Borough

COMMUNICATIONS (cont'd):

can request a deposit. The total for the amount before the amendment was \$3,199.75. This does not include labor as we can't charge for labor. Mr. Butkus stated that he is only looking for yearly totals, he did not need the time sheets. Mr. Fitzpatrick stated that personal information will need to be removed. This will take time and due to the Borough being short handed, it will take the thirty days. A brief discussion ensued as to what he was looking for. Mr. Fitzpatrick stated it might be a good idea for Mr. Butkus to sit down with Mrs. Shade. Mr. Wenrich stated that he is basically looking for a recap of the information. Council is given that that info every month. Mr. Wenrich stated due to this request and it being the busiest time of the year, he has authorized overtime. In addition the admin committee will be putting together an outline for the replacement of Ms. Fernandez. In the interim, he would like to see us get some temporary help. Mr. Wenrich made a motion to get a temporary employee to support the administrative staff; seconded by Mr. Light. Mrs. Kutz questioned who would get the overtime. Mr. Wenrich responded that Betsy would be the only person. Mr. Butkus was willing to waive the sixty (60) day time frame. Ms. Messina questioned why Mr. Butkus is requesting the information as a citizen when as a Councilman he can have access to the information without having to pay the cost. Ms. Messina thought it was odd that Mr. Butkus would want to put more work on the staff as they were shorthanded since as a Councilperson he could come in and pull the information he wanted himself. Mr. Butkus was not sure he could do this on his own. Mr. Wenrich questioned if he was referring to the memo that went out stating no Councilperson could come into the Borough Hall and make copies of things. He stated as long as someone from our office staff was there, there was no problem for any Councilperson to come in and make copies of any documentation him or herself. It is their due right. Mr. Butkus stated that was not the issue. He knew that some of the information had to be redacted. In addition, if he requested this information as a Councilperson everyone would have wanted to know why he wanted it. Mr. Wenrich stated that you could have had it anyway. Ms. Messina was just questioning why you would put stress on the office staff since they are short staffed. Mr. Fitzpatrick stated that a Councilperson would need a valid purpose that would better the Borough in seeking this type of information. No Councilperson can come in and request information that is not part of his responsibility as a Councilperson. Mr. Fitzpatrick stated since he does not know why he wanted this information; he can't state for sure that he could have this info as a Councilperson. A brief discussion ensued. Ms. Messina stated as a Councilperson he must give a reason for looking at the info but as a citizen he does not. Mr. Fitzpatrick stated that was true. Ms. Messina questioned Mr. Butkus what he was looking for. Mr. Butkus stated he just wanted to review the records and that was all he was going to say. Mr. Richard Biggs stated he will put a letter in requesting the information as it is his tax money. He wanted to know what the increase of wages were. Mrs. Shade stated 4.5%. Mr. Biggs wanted to know the justification for it. It disturbs him a bit that there is a problem trying to get public information. Mrs. Shade stated it was not that we are depriving anyone of any information; it is just that we don't have the staff at this point in time to gather the information that is needed within the allotted time span. Mrs. Shade stated we are a Borough of roughly 3,000 people and we only have two (2) people in the office. We just don't have that much time to get everything done that needs to be done. Mr. Biggs wanted to know what Mrs. Shade's position costs. Mrs. Shade asked to address the audience as a resident. Mrs. Shade stated they handle numerous phone calls from trash complaints, to code complaints, we handle sewer billing to name just a few of the daily tasks. She stated that Mr. Zerr, Mr. Schmidt, Mayor Noecker are in here regularly, they see what goes on and how busy we are. We can do only so much she stated. She continued that she will not leave her position for anyone if that is what this

COMMUNICATIONS (cont'd):

is all about. Mr. Biggs stated this information is still public. Both Mr. Schmidt and Mr. Wenrich stated that the information is public and will be handed over. We have to dig it up. We don't keep records in the house for what we paid people six (6) years ago. Mr. Biggs stated that there is not a corporation in America that does not know what they pay their people. Mr. Schmidt stated that is not what they are saying. They are stating that the information from six (6) years ago is off site. Mr. Biggs stated he had a tax increase and he wonders where the money is going. Mrs. Shade stated there was no tax increase. Mr. Biggs stated that there was no tax decrease either. A discussion ensued and Mr. Schmidt stated we were out of order. Mr. Zerr stated that Mr. Biggs must follow the same rules requesting the information. Mr. Fitzpatrick stated that if it is going to be a duplicate of information that he get together with Mr. Butkus and review the information. If more information is needed then put that in another letter. In addition, Mr. Fitzpatrick stated that he once again suggests that Mrs. Shade and Mr. Butkus sit down and review exactly what he is looking for. Mr. Fitzpatrick read the letter and he too, had questions about exactly what Mr. Butkus was requesting. Mr. Biggs stated he saw that the information would cost about \$3,000 and he wondered why it would cost so much. Mr. Schmidt stated that cost would be if Mr. Butkus wanted to see every piece of documentation that was generated. It should come down considerably if not all that paperwork is needed. Mrs. Dorothy Schmidt stated that Mrs. Shade should explain the 4.5% increase in based on the police salaries. Mrs. Shade stated it has always been the Borough policy to pay the non uniformed employees the same as the police contract states unless the employee and the department head along with Council agree to a different rate. Mr. Schmidt said that we are now in negotiations with the street crew. Mr. Schmidt, Mrs. Kutz, and Mr. Leiby are in agreement that we should be getting away from the percent raises. They are hoping to go to a dollar and cent per hour increase in the future. The reason for that is to try to get away from the spread of the salaries. This will make the salaries in line. Mr. Schmidt stated we will comply with this request. Again, the original request was from 2000 to 2006. This office does not keep information on site for more than three (3) years. We send our information to a storage company in Leesport. We need to go there and retrieve this information. Mr. Leiby stated if Mr. Butkus extends his time frame to sixty (60) days will that save on the time and half to do this. He would like to save money on both sides. Mr. Wenrich stated that the temp person won't be paid at time and half. They will be here during normal working hours. Ms. White will be the only person that would get overtime. A brief discussion ensued. Mrs. Shade stated it won't be a big deal if it is only W-2's that are being requested. Mr. Schmidt stated he panicked when he saw all the payroll sheets for just the year 2006. That was a lot of documentation. Mr. Leiby is for saving money for both sides. Mrs. Shade reminded Council there was a vote out on the floor to hire a part time person to fill in. Mr. Schmidt called for a roll call vote. AYES – 4 (Mr. Schmidt, Mr. Zerr, Mr. Light, Mr. Wenrich), NAYS – 3 (Mr. Leiby, Mr. Butkus, Mrs. Kutz); motion carried.

MILLER ENVIRONMENTAL REPORT:

Mr. Roger Hillbush of Miller Environmental gave the monthly report for December, 2006. The November 2006 DMR was completed and sent to PA DEP during the month. There were no violations. The bio augmentation trial began March 1, 2006. The November 2006 report was sent to the PA DEP along with the DMR. The fourth quarter FOG sampling was completed during the month. Data entry and billing will follow. Industrial/residential meter reading was completed during the month at China King Restaurant and V&S Sandwich Shop. An inspection was completed at F.M. Brown and Son during the month regarding their permit for the IPP Program.

MILLER ENVIRONMENTAL REPORT(cont'd):

Miller and ARRO Consulting met with West Lawn Graphics and Phipps Label during the month about permit renewal. A three (3) year permit was issued to Williams Metalfinishing. The Available Operator Annual Report was submitted to the PA DEP. There was an NPDES compliance inspection by DEP during the month. No violations were noted. However samples were collected for analysis, no violations are anticipated. The following is the wastewater flow data for the month - total monthly flow – 23,489,400 gallons, average daily flow – 757,700 gallons, maximum daily flow – 912,800 gallons, minimum daily flow – 609,200 gallons. There were no NPDES violations for the month. The following percentages are each municipalities contribution to the total flow – Sinking Spring – 71.3% (includes an un-metered portion of Spring Township), Lower Heidelberg – 19.2%, and South Heidelberg – 9.5%. The total rainfall for the month was 3.40 inches. The Miller staff completed the routine operation and maintenance duties, responded to seven (7) PA One calls. There were six (6) service calls. One (1) service call was 3515 Penn Avenue for a lateral clog. There was a blockage between the house and the trap. The second service call was at 191 Keller Avenue for a lateral clog. There was a blockage between the house and the trap. The third call was at 3932 Penn Avenue. Rags were removed from the line. The fourth call was at 3428 Penn Avenue. The router cable broke off in the line. They tried to retrieve the broken cable, which also became stuck in the line. The lateral was dug up by E. Kuser, Inc., repaired, and put back in service. The fifth call was at 31 Ralph Avenue. They removed some roots from the line; however there was still a blockage between the house and the trap. The last call was to locate a lateral at 775 Commerce Street. The staff read the collection system flow meters six (6) times during the month. They televised 358' of sanitary sewer main and one (1) lateral. W.G. Malden, Inc. calibrated all plant and collection system flow meters during the month. For the calendar year 2006, the staff completed 162 in plant maintenance work orders and 52 collection system related work orders. The staff completed the painting of various pieces of equipment at the plant during the month.

Mr. Zerr wondered what was going on with the fire company. Mr. Hillibush explained that when they went out and did the FOG testing, they pulled the top off the trap and they were watching the flow and it appears that something is wrong with the setup of the trap. The discharge pipe is even with the liquid level. The grease is flowing right out the discharge. Mr. Hillibush explained how a trap was to work. Mr. Hillibush pointed out to them what their problem could be as they have high BOD and grease problems. There is nothing the Borough can do Mr. Zerr questioned. Mr. Hillibush stated no, the fire company will need to take care of it.

Mr. Butkus stated the call at 3428 Penn Avenue where the cable that broke off was not due to any fault of Miller Environmental. Mr. Hillibush explained how it happened.

SEWER ENGINEER REPORT – DAVID SCHLOTT, JR.:

Mr. Schlott stated they are working with the industrial users for permitting purposes.

Mr. Schlott stated last month a major equipment list was presented. At the next sewer committee meeting these items will be discussed.

SEWER ENGINEER REPORT – DAVID SCHLOTT, JR.(cont'd):

A question was asked by Mr. Leiby as to whether the sewer line has been capped at the site of the demolished Crystal Springs Restaurant. Mr. Ludgate stated that it had not been as Performance Motors, who now owns that site, was going to put a building there. They will be connecting to the sewer system. Mr. Leiby wondered if it was blocked while the demolition was going on. Mr. Ludgate said it was.

Mr. Schmidt asked Mr. Butkus when the sewer committee meets will they be discussing about the extra Miller person at the plant. Mr. Butkus stated we can. Mr. Butkus feels it is a good idea and we should act on that as soon as we are comfortable with it. Mr. Butkus feels the fourth person is needed. Council has a copy of the proposal. Mr. Schmidt said that one (1) additional person would be \$4,706.00 per month for full time. The cost for a part time person would be \$2,373.00. This is based on twenty (20) hours. Mr. Schmidt said that Miller is advocating a full time person. This would make four (4) people at the plant. The full time person would take on the responsibility of IPP. The IPP program would try to bring more money into the Borough. Mr. Schlott said IPP stands for Industrial Pretreatment Program. Mr. Schlott explained our plant is not designed to handle industrial waste; it is designed to handle residential waste. Anytime a contributor to our plant is dumping industrial strength waste there is additional costs to process this waste. The whole purpose of this is to have these businesses or industries have a permit issued to them. We test their waste and they would pay the additional costs to process their waste. The Borough has implemented an Ordinance. We monitor many of these sites now. The intent is to have everyone pay their fair share. The reason for the fourth person would be in regards to the I&I program. The Borough at first did not have televising equipment. The Borough is now making an aggressive attempt to reduce this problem. The equipment is there but they need someone to operate it. Mr. Zerr stated we will need to decide if this fourth person is full or part time. It is ARRO's recommendation that a full time person be added. Mr. Schlott feels the plant is understaffed and they are being spread thin. Mr. Butkus agrees with his recommendation. Mr. Schmidt asked that he take this to his committee for possible action in February.

REPORTS OF COMMITTEES AND OFFICES:**LIBERTY FIRE COMPANY:**

Mayor Noecker swore in the new officers of the Liberty Fire Company. The new Chief is Ronald Wentzel, First Asst. Fire Chief, Matthew Zerr, and the Second Asst. Fire Chief, Harry Reinhold. Chief Ronald Wentzel took his chair at the Council table.

Mr. Wentzel thanked Council. He explained that the lines of communication are finally opened. He continued that the fire company does about 300 calls a year. He thanked the crew. The damage is about \$120,000.00 here in the Borough. He stated that often times when they arrive at a working fire; they are usually the first on the scene. Everyone knows what their jobs are. They are just as good as the City of Reading firefighters, Mr. Wentzel stated. With our State grant monies we are the first fire department to have on board computers. They are confident that they have secured their first FEMA grant as well. That money will be used to replace all of our breathing apparatus. The asst. chiefs have picked up a lot of slack on attending meetings that Mr. Wentzel

LIBERTY FIRE COMPANY(cont'd):

can't attend. There were twenty five (25) calls during the month. There was no damage to report in the Borough.

LIBRARY - DENNIS LEIBY:

Mr. Leiby stated a few years ago the Library loaned Exeter Library some shelving. We never got the shelves back and the Library would like to donate the shelving to them. Mr. Leiby made a motion to donate the shelving to the Exeter Library; seconded by Mr. Butkus. AYES 7, NAYS – 0; motion carried.

The next item was their wages. It comes out of their money. Mr. Fitzpatrick stated every municipality has a different take on this item. Some municipalities by strictly passing their budget with the increases automatically give the raises. Several of the municipalities that Barley/Snyder represents do it that way. Mr. Fitzpatrick stated there seems to be no right or wrong way to do it. Some municipalities just pass the budget, some actually vote on every single person and their raise. At this point Mr. Fitzpatrick stated we are allocating 4.5% to each employee that is sufficient. Mr. Leiby stated we give them an allocation, we don't support them totally so he feels we don't need to vote on their raises as Council. Mrs. Franck, of the Library Board, questioned Mrs. Shade about who is paid by the Borough. Mrs. Shade stated that all the employees are paid from the General Fund. Then the Library reimburses the General Fund. We give the Library an allocation each year. The allocation is \$35,000.00. Sondra Westbrook and Patricia Shoff although they are only part time they are entitled to life insurance and disability insurance. They do not get health insurance, Mrs. Shade stated. We bill the Library and they reimburse us for all of those costs.

The Library would like to add a second mural to the children's section. Mr. Schmidt stated that the first mural went up while he was President last time. While he did not object to the mural and he thought it was very well done, he did feel that Council should have been asked if they approved of the mural before it was done as it is a Borough building. Mr. Schmidt would endorse it. Mr. Leiby made a motion to allow a second mural to go up in the children's section; seconded by Mr. Light. AYES – 7, NAYS -0; motion carried.

The last question was in regards to the carpeting. Mr. Ludgate will report on that later in the evening.

PROPERTY AND MAINTENANCE – BRUCE LIGHT:

Mr. Light had two people come out to give us quotes on an awning over the steps to the police department and the library. Mr. Light stated it would be like the awning at the fire company. Roy Swoyer and Son are the people who gave us the quote. Brown did the awning at the fire company. It would be 6' 1" wide and 16' 6" long. The price includes installation and using galvanized piping for the framework. The cost would be \$4,749.42. Mr. Schmidt stated at \$4,000 we need three (3) quotes. Mr. Light stated that we had another one however they did not respond. Mr. Schmidt stated we now have another name, Brown. Mr. Light will contact him. This will mean it is held off till February. Mr. Zerr stated that we should ask them about anchoring. That was a problem at the fire company. Mr. Light stated this company also does carpeting as well if the library is in interested.

PROPERTY AND MAINTENANCE – BRUCE LIGHT (cont'd):

The air compressor is set up and working.

The committee would like to discuss the basement. They would like to get a dumpster and throw away what is not useful. Any items that can be scraped for money we shall do that. Mr. Hart is in agreement with this. Mr. Zerr made a motion to bring in a dumpster to clean out the basement with the metal items being taken for scrape; the mowers that are salvageable be put out to bid with the bids being opened at the next Council meeting; seconded by Mr. Wenrich. AYES – 7, NAYS – 0; motion carried.

RECREATION – BARBARA KUTZ:

Mrs. Kutz read a letter thanking Mrs. Shade for all her services to the recreation committee from Sandi Karli.

Mrs. Kutz is looking forward to working with them this year.

PUBLIC SAFETY – JAMES ZERR:

Mr. Zerr stated that we have the Fire Marshal's report. Mr. Zerr highlighted some of what Mr. Roth did this past year. He had 130 hours of service. Fire damage in the Borough was \$193,000.00 which includes contents. Mr. Roth is looking for better communications between himself and Ludgate Engineering. He would like to receive building plans in a timely manner. There had been a few other issues. He would like to get together with Mr. Ludgate and go over some of these items. Mr. Ludgate agreed.

The safety committee met December 14, 2006. Broad Street was discussed; making it one way. The safety committee feels we should send out notices to all Broad Street residents and businesses and invite them to a March meeting to discuss the situation. Get their input – the pros and cons. It would be one way from Octagon out and there would be no left turns. Mr. Zerr stated there would have to be an Ordinance change and public hearing before any of this can happen.

The committee also looked at the Ordinance pertaining to street obstructions. The committee feels the Ordinance in place is sufficient enough to enforce it as is even though it does not mention basketball nets or street hockey nets. A letter will be sent to Mrs. Ann Young. Mr. Schmidt concurs with that.

Discussions have come up from our Public Works Director in regards to PA American Water Company replacing the water line on Park Avenue. Fire hydrants in that area are scarce. It is the safety committee's recommendation that we add three (3) fire hydrants; one (1) at Park and Penn, another at Park and Ruth, and the last at Park and Dougherty. In addition, they recommend that our Borough crew put a dry hydrant in down at the creek. Mr. Zerr explained the benefit of putting in the hydrant. Mr. Schmidt questioned Mr. Hart if we ever got an answer on who owns the hydrants. Mr. Hart stated not yet. It is in their legal department's hands. Mr. Schmidt stated since we don't know who owns them is it wise to put them in. Mr. Zerr said this is a safety issue; we shouldn't wait till they give us an answer. Mr. Zerr stated we will always be fighting with PA American Water. Mr. Hart stated if this is true we would get a better price if they were placed into

PUBLIC SAFETY – JAMES ZERR:

the contract. It is better to piggyback off their project. Mayor Noecker stated the hydrants belong to the Borough. Mr. Wentzel stated he questioned that; that is what started the whole process. The Mayor stated that the Sinking Spring Water Company owned them years ago. Mr. Wenrich stated maybe back then we did but do we own them now. It appears there is no documentation to say who clearly owns these hydrants. A discussion ensued about PA American Water Company, who put in prior hydrants, and what is the rental we pay on the hydrants. Mr. Ludgate stated if we own the hydrants we would be able to open them and put on a meter to see how much water is used. Mr. Zerr said we are not allowed to do that. Mr. Ludgate said that is why there is some question as to who owns them. Mr. Wentzel stated PA American Water wants the fire department to call them and let them know they are opening a hydrant before they begin fighting a fire. Mr. Zerr made a motion to add three (3) additional fire hydrants to Park Avenue plus one (1) dry plug; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

The Rt. 422 corridor project will meet on January 23, 2007 at 8:00 a.m. The second phase of the project will be discussed.

The task force met. They will meet again on January 9, 2007. This is for the consolidation of the three (3) fire companies. They are Lower Heidelberg, Wernersville, and Sinking Spring.

In line with the sprucing up of Penn Avenue, there is a class on February 24th at the Ag Center. They will be discussing about age restricted housing along with other items. He would like himself and Mr. Hart to attend. It is \$60 for officials. Mr. Schmidt highly endorses this. Mr. Light would like to attend also. Mr. Wenrich made a motion to send the Mr. Hart, Mr. Zerr and Mr. Light to the seminar at a cost of \$60 per person; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

MAYOR NOECKER:

Mayor Noecker reported the Chief was attending a seminar in Atlanta so there would be no report that evening. Officers Schweyer and Oxenreider alternated as acting chiefs.

SEWER AND SANITATION – GEORGE BUTKUS:

Mr. Butkus stated that the sewer committee will be meeting after tonight's meeting to discuss the fourth person at the plant.

The other issue pertains to the agreement with South Heidelberg Township. It is the flow issue. Mr. Butkus questioned if the prior Council approved it and it got lost somewhere. Mr. Fitzpatrick stated no. It was approved and executed by Lower Heidelberg Township. The Borough has not. Mr. Fitzpatrick said that when the agreement was created it was to be for all three (3) municipalities, Spring Township, Lower Heidelberg, and South Heidelberg. Lower Heidelberg agreed to the document with a clause - that all other municipalities agree to the same. We got a letter from South Heidelberg dated December 8, 2006 stating that they will execute a flow meter agreement but only with respect to meters at Beacon Road and Willow Glen Park. It continues on to say pending the outcome of the litigation the remainder of the points of connection

SEWER AND SANITATION – GEORGE BUTKUS (cont.d):

will be addressed in the future. Mr. Fitzpatrick does not feel that is the understanding we have with Lower Heidelberg. We are not allowing other municipalities to pick and choose what points of connections are going to be covered by this flow agreement. Mr. Fitzpatrick feels we will have a problem if only do it at certain points of connections for them. Mr. Butkus stated this will also complicate the math. We would have unaccounted flow. Mr. Schmidt questioned where we stand with the litigation. Mr. Fitzpatrick stated we are in the discovery phase. Mr. Zerr made a motion to authorize Mr. Fitzpatrick to contact South Heidelberg Township and state that Council will not entertain limiting the agreement to just two (2) points of connections. We will need to have an agreement covering all points of connection in South Heidelberg Township; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

Mr. Butkus said that DEP was very impressed with our sewer plant. They were very impressed with Mr. Hillbush's manual so much that they want to come back and use it as a model for other people who do not have a procedure manual. Mr. Butkus stated that this goes to show what a high caliber group of people we have running our sewer plant.

Mr. Butkus stated that at the last meeting Council voted to give each member of the staff of Miller Environmental a \$50.00 gift card for a local restaurant. Mr. Butkus and Mr. Schmidt explained about the award they received.

Mr. Butkus will be forming an ad hoc committee regarding the way trash will be billed in 2008 along with gathering information to go out to bid for 2008 trash collection.

Mr. Butkus announced that later in the Spring there will be open houses at the sewer plant.

Mrs. Kutz stated that just today it was in the newspaper that South Heidelberg Township has two (2) rates. One (1) was a flat rate and one (1) was a per bag rate. Mr. Zerr stated that was because it was privatized. Mrs. Kutz questioned how they track who is using the bag system. Mr. Butkus stated he will call them and get the information. A brief discussion ensued. Mr. Butkus feels next year we will be seeing a big increase due to no fault of our own.

ADMINISTRATION – STEWART WENRICH:

Mr. Wenrich stated the admin committee met this past week. We have been having some difficulty with our current payroll company. The company that we originally used was bought out by a bigger company. While Mrs. Shade was on vacation we had some problems with the payroll and Ms. White tried to correct them and she was unable. Mrs. Shade had to call and correct the problem. We have errors in payroll. Mr. Wenrich continued that we are in the process of looking into other local companies to do the payroll. She will be meeting with Paychex and AD Payroll Company to see if they will be better suited for our needs. A brief discussion ensued.

EXECUTIVE SESSION:

An executive session was called for at 9:25 p.m. for a personnel issue.

RECONVENED:

The public meeting reconvened at 10:15 p.m. No action was taken.

UNFINISHED BUSINESS:

Mr. Schmidt announced there will be a public hearing on Wednesday, January 24, 2007 at 7:00 p.m. in regards to the changing of our zoning ordinance.

Mr. Schmidt asked Mr. Ludgate to give a report on the findings by Enviroscan. Enviroscan did a geological study at the sinkholes on Maria and Diane Avenues. Mr. Ludgate had copies of the full report. Enviroscan studied the intersection of Maria and Diane and some of the yards of some of the adjoining properties. There is a map. Their findings show that there is no more sinkhole activity in the sinkhole that the Borough had repaired twice. The report does state that there are some potential sinkholes in some of the yards that were checked by Enviroscan. The report is public information and if anyone wants a copy they certainly can come and get one. A discussion ensued. Mr. Schmidt stated this is the second time we had Enviroscan due the study for us. After they finished on Kirkwood, we held a meeting for the residents to come in and ask questions and have the findings told to them. Mr. Schmidt feels we owe the same to these residents as well. Mr. Ludgate said he would be more than willing to meet with them. Mr. Fitzpatrick stated he does feel we should let them know. Mr. Ludgate stated anyone that lives over soft bedrock (Berks County) are in jeopardy of having sinkholes. Mr. Butkus asked if they detected any bedrock. Mr. Ludgate stated they did not; it was not an evasive type study. Mr. Ludgate will work with Mrs. Shade to send out letters to specific households. Mr. Schmidt wanted Mr. Hart to attend the meeting as well. Mr. Ludgate stated we have fee ownership of the streets. Another discussion ensued as to the land.

NEW BUISNESS:

The first item under new business pertains to an escrow release for Brookfield Manor Phase I in the amount of \$41,495.56. A review letter was created by Mr. Eisenbrown. He agrees to the release based on his findings. Mr. Zerr stated he had an e-mail from Mr. Eisenbrown regarding sediment washing into the street, sinkholes, and ADA ramps. He wondered if this will have an effect on this release. Mr. Ludgate stated no, this was unrelated work. Mr. Wenrich stated we still have more money being held. Mr. Ludgate stated those problems are actually in Brookfield Manor Phase II. This is a sediment problem (sloppy) not really related to escrow releases at this time, Mr. Ludgate said. Mr. Ludgate went on to explain how these issues will be corrected. He also said he spoke with Mr. Elliott of Wright-Elliott (the developer) about having Enviroscan come in and do a study on possible sinkholes in that area before the Borough takes dedication of those roads. Mr. Elliott was not opposed to this. Mr. Ludgate asked Enviroscan to give Mr. Elliott a price on what their survey might cost. This way the Borough won't have "Maria and Diane" type problems when we take over the streets. Mr. Zerr made a motion to release \$41,495.56 for Brookfield Manor Phase I; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

Mrs. Dorothy Schmidt, tax collector, questioned Mr. Fitzpatrick if he heard anything on the land that was turned over to the Borough that houses the playground. Mr. Elliott has not paid the taxes on that land and it will have to be turned over to the tax claim bureau. Mr. Fitzpatrick stated he did contact him and told him that he is responsible for the 2006 taxes on that property. Mr.

NEW BUISNESS (cont'd):

Fitzpatrick stated we do have money in escrow and if he doesn't pay them we can use the escrow money to pay the taxes. Mr. Butkus asked if we got anywhere on the grass issue. Mr. Leiby stated they did not agree to that. Mr. Ludgate stated Mr. Leiby was correct they did not agree to that. Mr. Zerr stated the Borough will be planting grass in the spring.

The next item was an escrow release for Brookfield Manor Phase II in the amount of \$17,514.98. Again, Mr. Eisenbrown's letter recommends the release of the above mentioned amount. Mr. Zerr made a motion to release \$17,514.98 from Brookfield Manor Phase II; seconded by Mrs. Kutz. AYES -7, NAYS - 0; motion carried. Mr. Leiby stated that they bought a fire hydrant. When we take dedication does that mean we own it, Mr. Leiby questioned. Mr. Ludgate didn't think so. The water lines get dedicated to PA American Water Company and that means they would get the hydrant also.

The last item was appointing another engineer to review the plans for the proposed Dunkin Donuts on Penn Avenue. Mr. Ludgate explained in the period when Ludgate was not representing the Borough they were approached by people who wanted to establish a Dunkin Donuts/Baskin Robbins. They prepared a land development plan for 418 Penn Avenue (old address). The new address would be 3818 Penn Avenue. Since they developed the plan another engineer will need to review the plan. Mr. Gary Kraft originally did the plan review. However, the land was never developed. They now want to resurrect the plan as a Dunkin Donuts only so the plans need to be reviewed again. Mr. Light made a motion to appoint Mr. Gary Kraft of Kraft Engineering to review the Dunkin Donuts plans; seconded by Mr. Wenrich. AYES - 7, NAYS - 0; motion carried.

Mr. Ludgate stated they do have a sketch plan drawn up along with a report for the development of Penn Avenue whenever Council wants to sit down and review their recommendations. They have shown the plans to a few developers that have ties to Ludgate and those developers feel that the plan does have merit. Mr. Ludgate stated they will show the plan to whoever would like to review it. Mr. Zerr feels all of Council should look at it. Wednesday, January 10, 2007 at 7:00 p.m. was decided on to have Ludgate Engineering come in and present their ideas to Council regarding Penn Avenue. Mr. Leiby thought maybe we could do this in conjunction with the meeting for the residents on Maria and Diane Avenues. If everyone on Council attends the meeting it will need to be advertised. It was decided that Council would meet with Ludgate regarding the redevelopment at 7:00 p.m. and then with the residents on Maria and Diane at 8:00 p.m. Mrs. Shade will need to advertise the meeting as all Council will be attending. Mr. Fitzpatrick stated.

PUBLIC COMMENT PERIOD:

Mr. Schmidt asked Mr. Francis Butkus if he would like to address Council at this time. Mr. Butkus questioned the comment that was made at the last meeting that Council was going to be "going in a different direction", he was inquiring what they meant. Mr. Schmidt stated that they are trying to put more emphasis on developing up the Borough with new businesses and a revitalization of Penn Avenue.

The next issue was in regards to the sewer authority. Mr. Hoffert sent a letter to Mr. Fitzpatrick. He was hoping that Mr. Hoffert and Mr. Fitzpatrick would get together on the issue

PUBLIC COMMENT PERIOD (cont'd):

of the lease back agreement. Mr. Fitzpatrick stated that Mr. Schlott and spoke to him about that very thing earlier that night. He agreed to sit down and discuss this issue. Mr. Butkus stated that the auditor will be coming in and one (1) of their findings last year was that two (2) reserve funds were to be established and to the best of his knowledge they had not been created. He asked about this back in August, Mr. Butkus said. Mr. Fitzpatrick stated we did have a meeting about this very thing in the conference room. Mr. Schmidt and Mr. Light stated that they were at that meeting also. At that point we discussed (very brief) since the Borough was not part of the renegotiating of the loan, they were given a lease payment schedule which they set up. The payment due dates changed. It had been one (1) day under the bond and another date under the loan. Mr. Fitzpatrick feels that because of the timing change the money was not in the account as of the date it said in the lease as was in the bond indenture. It was determined that we had sufficient money in an account, not in a specific account like was cited in the lease, but in an account in the sewer fund. It was not there at the specific time however it was there at a later date due to the date change of the payment of the loan. Mr. Butkus stated that the lease back agreement says that this account must be created to be used for the maintenance and upkeep. This is what the auditor stated in their report. Mr. Fitzpatrick was directed to get in touch with Mr. Hoffert to discuss this matter along with another issue. Mr. Fitzpatrick will do that.

Mr. Paul Speece was wondering if the Borough will be picking up Christmas trees this year. Council stated that our road crew will be picking up the trees for the next three (3) Mondays. The 8th, 15th, and the 22nd are the dates.

Mr. Hart, Public Works Director, found out some information about the loader bucket for the McCormick. We can purchase this under the state bid assist. We can purchase this piece for around \$8,600.00 saving us over \$1,000.00 from the price he was first given. Mr. Light made a motion to purchase the loader bucket; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

Mr. Hart would like to attend a two (2) day seminar in Allentown. It is for the residential side of construction. Mr. Zerr made a motion to attend the course in Allentown. In addition to allow Mr. Hart to take the Borough vehicle home with him so he can leave directly from home; seconded by Mr. Light. AYES 7-, NAYS – 0; motion carried.

At the safety committee meeting it was discussed about putting a traffic light at Evans Avenue. Mr. Hart spoke to PPL and it would be about \$12.00 a month and we need to sign a 10 year contract. Mr. Zerr made a motion to move ahead with this project; seconded by Mr. Wenrich. AYES -7, NAYS – 0; motion carried.

Mr. Hart was talking to a sweeper manufacturer. They will be coming down on January 16, 2007 at 1:00 p.m. The cost is about \$150,000.00. Mr. Wenrich stated that there are many leases and different purchasing packages out there. Mr. Biggs will look into if he can find some information out on this for the Borough. He would like the specs on this piece when they become available.

Mr. Wenrich stated that there will be some changes, getting inventory at our garage for one. We need to get rid of some old pieces of equipment. Mr. Wenrich stated as far as reviews go, it will

PUBLIC COMMENT PERIOD (cont'd):

happen. Our employee handbook will be rewritten. We are making some changes. He doesn't want our tax dollars to go up either.

ADJOURNMENT:

Mr. Light made a motion to adjourn at 11:00 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer