

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, January 6, 2011 at 7:00 p.m. at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

Stewart Wenrich
Edward Oswald
George Butkus
Elizabeth Sloan
James Pachulo
Denise Stine

Other officials present were: Mayor Francis Butkus, Keith Mooney, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, David Schlott, Jr., ARRO Consulting, Michael Hart, Public Works Director, Police Chief, James Oxenreider, and Regina Shade who recorded the minutes of the proceeding.

Mr. Wenrich requested a moment of silence for Mr. Dennis Leiby who served on Council. Mr. Leiby passed away on December 6, 2010 after a long battle with cancer. He will be missed.

APPROVAL OF MINUTES:

Mr. Oswald made a motion to approve the minutes from the 12/2/10 and 12/27/10 meetings; seconded by Ms. Sloan. AYES – 6, NAYS – 0; motion carried.

APPOINTMENT FOR VACANT COUNCIL SEAT:

Mrs. Shade stated she was in receipt of a few letters from residents requesting to be considered for the vacant seat. She had letters from Mr. Bruce Light dated 1/4/10; Mr. Brian Fry dated 6/3/10; Ms. Christina Stallone dated 5/13/10; Mrs. Barbara Kutz dated December 12/14/10; Mr. Gary Cirulli dated 12/17/10; and Mr. Charles Coleman dated 12/20/10. Mr. Mooney stated the regular meeting should be adjourned and then moved to a meeting of the Vacancy Board as we are out of the 30 day time frame. Mr. Mooney explained since Council is after the 30 days by one (1) day the Vacancy Board was to be activated. Mr. Hart is a member of the Vacancy Board so he will sit with Council on the Vacancy Board.

ADJOURNMENT:

Council adjourned their regular meeting at 7:05 p.m.

VACANCY BOARD:

The Vacancy Board Meeting was called to order at 7:05 p.m. The Vacancy Board consists of the six (6) members of Council and Mr. Michael Hart, Public Works Director.

Mr. Butkus made a motion to appoint Ms. Christina Stallone to the open Council seat. He questioned since Mr. Leiby passed away before the end of last year, this appointment will be for a

VACANCY BOARD (cont'd) :

period of one (1) year. This seat will appear on this November's election to fulfill the remainder of the term. Mr. Mooney said that was correct. Ms. Sloan seconded the motion. Mr. Pachuillo strongly would like a period where they could read about the candidates and/or perhaps bring in the candidates and interview them. He said it would be hasty to just put someone in for a year without checking into their backgrounds. Mr. Mooney said that would be Council's decision however a special meeting would need to be held. The Vacancy Board only has fifteen (15) days. After the fifteen (15) days, people can submit petitions and then the Court will decide who will sit on Council. Mrs. Shade questioned if they would like her to read the letters. Mr. Pachuillo feels there should be a discussion on the submitted names. Mr. Oswald said since there was a second on the motion this was the discussion phase. A brief discussion ensued. Mr. Pachuillo stated he would have liked to been able to talk to each of the candidates and ask them how they feel they could help this Borough move forward. Ms. Sloan stated she didn't feel Council could question them. Mr. Mooney said you can have conversations with whomever you wanted to have conversations with. Mr. Oswald stated we have a list of six (6) candidates and out of that list of six (6) only two (2) members are at that meeting. Mr. Oswald does know Mr. Light has some health reasons for not showing up. Mr. Oswald was not sure that Mr. Fry lives in the Borough anymore to which Mr. Butkus stated he wasn't sure he was a resident anymore either. Mr. Cirulli and Ms. Stallone are here. Mr. Oswald stated it was Mr. Butkus' right to rescind his motion if he so chooses. Mr. Oswald feels two (2) of the candidates are here and we should vote. Mr. Butkus said he did nominate one (1) of the candidates. Ms. Sloan asked their letters to be read. Mrs. Shade read the letters from Ms. Stallone and Mr. Cirulli. There were no further questions. Mr. Wenrich asked for a roll call vote. Mrs. Shade stated someone had a question in the audience. Mr. Jim Adams asked if this was the final vote for the vacant seat. Mr. Wenrich said yes. Mr. Mooney explained how this works for the Vacancy Board. He went on to say they are in the 31st day so Council has lost the ability to appoint without the Vacancy Board. The Vacancy Board has a period of fifteen (15) days from the time its authority becomes apparent to replace the vacant seat. If the Vacancy Board does not act within the 15 day time frame they lose the ability to appoint the vacant seat. People can then start circulating petitions within the Borough. He believes you only need like fifteen (15) people to sign the petitions in order to get it in front of a judge. Then whomever the Judge of the Court of Common Pleas decides will become the new seating member of Council; again this is if the Vacancy Board does not act within the fifteen (15) days. Mr. Adams made the recommendation to take the fourteen (14) days left and read the resumes. He feels they are responsible. Ms. Sloan questioned if they did that by the day prior it would be by Council. Mr. Pachuillo said it basically is the same. Mr. Mooney said it by Council and by Mr. Hart. Council appointed Mr. Hart to the Vacancy Board at the last reorganizational meeting which was last January. He would be the seventh vote. Ms. Sloan said so this would mean we wouldn't have a tie. Mr. Mooney stated he votes regardless. Ms. Sloan said we had a motion and second so we should vote. Mr. Adams questioned if Council is not going to consider his request. Mr. Mooney said that is up to the Vacancy Board. They can table the motion on the floor; adjourn and reconvene at some other point in time, which is up to the Board. Mr. Adams encouraged Council to take the time. Mrs. Shade stated she can read all the letters if Council so chooses. She stated that Mr. Light is ill perhaps he would be withdrawing his letter. Mr. Adams stated half those letters might be withdrawn because they are over a year old. Mrs. Shade read Mrs. Kutz's letter for Council. In addition, she read Mr. Charles Coleman's letter. Mr. Wenrich said we have a motion on the floor as well as a second. Mr. Butkus stated we were all aware that Mr. Leiby was not well and there had been some talk about

VACANCY BOARD (cont'd) :

letters to feel his sit and his residency. His thoughts were we should have been expecting this at some point in time. Mr. Pachuillo said there is a list and some people on the list have served. Some you may have been comfortable with some perhaps not. That was what he was feeling. Mr. Wenrich asked Council for their wishes. Mr. Butkus said all six (6) Council members are there tonight. We have already wasted thirty (30) days since Dennis' death. He feels we should take the action and not face another meeting where some on Council might be unable to make it. Mr. Wenrich stated that was the reason this was not brought up or voted on at the workshop. We did not have all of Council present. In addition, that meeting was just to pay bills and our Solicitor was not even present at that meeting. Mr. Butkus wished to move forward. Ms. Sloan feels we should move forward too. Mr. Wenrich asked for the vote. AYES – 2 (Mr. Butkus and Ms. Sloan), NAYS – 5 (Mr. Oswald, Mr. Wenrich, Mrs. Stine, Mr. Pachuillo and Mr. Hart); motion failed. Mr. Oswald made a motion to appoint Mr. Gary Cirulli to fill the vacant Council seat; seconded by Mrs. Stine. AYES – 4 (Mr. Wenrich, Mr. Oswald, Mrs. Stine, Mr. Hart), NAYS – 3 (Mr. Butkus, Mr. Pachuillo, and Ms. Sloan); motion carried.

ADJOURNMENT OF VACANCY BOARD:

Mr. Oswald made a motion to adjourn the Vacancy Board at 7:25 p.m.; second by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

RECONVENE GENERAL MEEING:

The regular meeting was reconvened at 7:25 p.m.

SWEARING IN OF NEW COUCILMAN:

The Mayor swore Mr. Gary Cirulli in as the newest Councilman. Mr. Cirulli took his seat. Mr. Wenrich told Mr. Cirulli that if he didn't feel comfortable on voting on a particular item he could abstain from that vote. Mr. Wenrich welcomed Mr. Cirulli to Council.

VISITORS:

We have three (3) visitors, Mr. Sam Loth, Mr. Michael Wise, and Mr. Jim Adams all of the BOSS 2020 committee to address Council that evening. Mr. Loth introduced himself and introduced the new President, Mr. Michael Wise, to Council. This is for the year 2011. Mr. Wise has been a member of the Committee for a number of years and he is a professional real estate person. Mr. Wise gave the annual report. A copy will be attached and become part of the permanent record. Mr. Jim Adams was next to address Council regarding grant submissions. He congratulated Mr. Cirulli. Mr. Adams handed out the grant information and timeline. This will also become part of the permanent record. The subtotal is \$1.8 million dollars in grants. Mr. Adams stated this would require Council to activate the \$500,000.00 line of credit. We will need to show our capability if it is a matching grant. Mr. Pachuillo said we did vote on that line of credit. The façade grant goes to business owners and they believe we administer it. A discussion ensued as to some of the grants. Mrs. Brown stated that a lot of numbers are being thrown around but she

VISITORS (cont'd):

wanted to know exactly how much money the Borough must match. Mr. Adams said each grant is different. He asked Mr. Loth if he had a summary answer to that. Mr. Loth said the Federal grant at the top was an 80/20 grant. The second one on the list was dollar for dollar. The third one, the Borough is not involved in matches at all. That is the façade grant. The fourth one is a direct grant. The fifth one depends on how the County Commissioners act. He didn't have an answer for that one. Mr. Loth stated we will not get all of these grants. If we get two (2) or three (3) of them, we did real well. The \$500,000.00 line item allows the Committee to apply for each and every one of them. Mr. Wenrich told Mr. Pachuillo he had a great thought there and did he want to put it in a form of a motion. Mr. Pachuillo made a motion to contact Concord Financial to execute the \$500,000.00 line of credit for the grant writing for BOSS 2020 or the Borough as a whole; seconded by Mr. Oswald. Ms. Sloan questioned if we are too late due to the timing. Some of those grants are due by February. Mr. Wenrich thinks Mr. Setley would be able to get it done. Mr. Adams said we are just renewing an existing line to which Mrs. Shade and some on Council said no. It is totally new. Mr. Butkus questioned while we are authorizing the line of credit the actual spending from this line of credit will be at Council desecration. The answer was yes. Mr. Pachuillo stated or any other grants that might come available throughout the year. Mr. Wise stated Council will decide what grants to go after. AYES – 7, NAYS – 0; motion carried.

COMMUNICATIONS:

Mr. Wenrich stated he is in possession of a letter from Ms. Sloan who is resigning as the President of the Library Board. Ms. Sloan requested someone else be placed on the Board due to her family situation. She was unable to attend the December meeting and she is not clear on moving forward if she can make any meetings in the new year. She questioned if she must submit a letter. Mrs. Shade said she did send a letter. Mrs. Shade stated she was told Mr. Butkus brought the letter in and gave it to the Library personnel. Mr. Wenrich said the letter was dated December 13, 2010. Mrs. Shade stated in addition to Ms. Sloan's letter there is a request to hire a new person at the Library. Her name is Theresa Conners at the rate of \$8.50 per hour. Mr. Butkus made a motion to hire Ms. Conners at \$8.50 an hour; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. Mrs. Shade questioned if we are going to accept her resignation and appoint someone else to the Library Board. Mr. Oswald made a motion to accept Ms. Sloan's resignation; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried. Mrs. Stine volunteered to be the Council representative to the Library Board. Mr. Wenrich appointed Mrs. Stine.

Mr. Adams stated that the five (5) new tenants at Spring Markets hope to be up and running by February or March at the latest. He has some other news but he is not able to share it at this point in time, but he stated good things are happening here.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Jeffrey Weidner stated for the month of December the department responded to 44 calls. There were 632 calls for the year. They applied for \$59,000.00 in a grant but were awarded \$47,000.00. He feels this is reasonable. This money will be used to purchase about fifteen (15) complete sets of protective equipment for the fire fighters. Mr. Pachuillo said at the Trustee meeting

WESTERN BERKS FIRE DEPARTMENT (cont'd):

they were reminded that Councils and Supervisors must reappoint the Trustees. Our Trustees are Mrs. Debra Bohn and Mr. James Pachuillo. Council reappointed Mrs. Bohn and Mr. Pachuillo as their Trustees.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the report for December, 2010. The influent data seems to be within normal operating perimeters. There was nothing unusual. There were fourteen (14) work orders completed including replacing the faulty temperature control on the lab drying oven. That is back in operation. Every year the plant must perform a proficiency evaluation. This year the pH meter needed to be replaced. After it was replaced, we were within the acceptance limits. Permit renewal letters were sent to Aluminum Alloys, Performance Toyota, and the Railroad House. The Aluminum Alloys renewal application was received on December 17, 2010. On December 20, 2010 and executed permit was delivered to Phipps Label Company. In the headworks building the air flow sensor went into alarm during the generator exercise on December 9, 2010 and could not be reset. HVAC system shut off. Reynolds technician adjusted the sensor on December 17, 2010. The alarm could then be reset. The correct hydrogen sulfide sensor was ordered. LRM has received the sensor but hasn't scheduled a date for installation as of yet. Mr. Butkus questioned if all of the new equipment with the exception of the ones he mentioned running properly. Mr. Juzyk stated yes. The new RAS pump has an issue perhaps related to solid material. It continues to build up even after the timer was installed. He stated a lot of that is related to the flow. The flow for the month was 465,000 gallons. The way we are currently running that pump it is way lower than what it is rated for. It doesn't appear to be cleaning itself as it would if it was operating at a higher rate of speed. That is a minor issue. No permit violations or upsets related to this. A brief discussion ensued with Mr. Schlott on how things are working. Mr. Schlott stated we could put in small strainer baskets for the collection of the debris. It is not a huge cost at all. We can have one (1) fabricated for the new clarifier as well. This would be metal and wouldn't be a huge cost. We can have them make a replacement basket for the ones we already have in case that would ever drop out. It is about \$2,000.00. Mr. Wenrich asked if they could get a cost on the baskets and bring it to Council. Ms. Sloan thinks it is a good idea. Ms. Sloan thinks we should get a spare part for what is in there already. Mr. Schlott said they can get a replace made as well. Mr. Wenrich questioned if we ever got the permit from the Wonderful Chinese Restaurant ever figured out to which Mr. Juzyk said no. Mr. Juzyk said he believes June of this year their current permit expires. It may come to head if they renew their permit properly. Mr. Butkus questioned if we could by way of the landlord try and apply some pressure to get them to fill out the form. Mr. Mooney said yes. Ms. Sloan questioned what happens in June. Mr. Mooney stated he can look and see if they can "plaquer" the restaurant and just allow them not to operate. Ms. Sloan said she is tired of playing with them. Rita's is delinquent right now as well; however Mr. Mooney was not sure if they are just not responding because they are a seasonal business or something else. Ms. Sloan said he owns another business. Mr. Pachuillo questioned if we could deem this store "unsanitary" or "unfit". Mr. Mooney said that is what he meant when it is "plaquered". Mr. Juzyk said back in November he hand delivered paperwork for a permit (Foodlion). The manager told him that all of that was handled through their corporate office. He was going to forward it to him. While he realizes there is a delay, but his next step is to try and get in touch with someone from their corporate office. Mr.

MILLER ENVIRONMENTAL (cont'd):

Schlott will try and get him the contact. Mrs. Stine questioned what the past due invoices were for. That is for the sampling and analysis as part of the pretreatment monitoring. Mrs. Stine questioned on the bills that haven't been paid, do we add late charges. Mr. Juzyk said yes. He believes the Ordinance states ten percent (10%) thirty (30) day late fee. In addition a one percent (1%) additional late fee will be added when it goes sixty (60) days past due. A brief discussion ensued about some of the businesses. Mr. Oswald questioned what the maintenance expenses for 2009 were. Mr. Juzyk said he didn't remember. Mrs. Shade stated it was over the \$24,000.00 that was budgeted. Mr. Juzyk questioned if it could have been \$5,000.00 more to which Mrs. Shade said she thought it was \$6,000.00 more. Mr. Schlott agreed with Mrs. Shade's number. He too, thought it was roughly \$6,000.00. Mr. Oswald asked if there was a certain reason for that amount to be over the budgeted amount. Mr. Juzyk stated on the last two (2) pages he tried to list some of the major expenses. Mr. Juzyk stated there was about \$6,500.00 listed as upgrade costs which are a once and done type. Mr. Oswald stated the lawn care will now be done by the Borough staff so that should be coming down as well. Mr. Butkus said we must all keep in mind it might not go down as much as Mr. Oswald believes because just like Mr. Hart's costs it all depends on what breaks that year. Ms. Sloan stated you can't count on everything working. Mr. Juzyk explained some of the costs. A brief discussion ensued.

REVITALIZATION PROJECT:

Mr. Ludgate stated the traffic consult was hired by the Borough directly not the BOSS 2020 Committee. He also stated that he had a meeting with Mr. Ken Pick. He is the Director of the Berks County Community Development. Mr. Ludgate stated the original offer from the County to the Borough was \$75,000.00 in funding. Their condition was the first \$25,000 for the study be by Borough funds. That has happened. In addition, \$9,000 has been given by the County. So the County has roughly \$65,000.00 allocated for the Traffic Impact Study. In terms of the Borough funds there is still about \$25,000.00 remaining in the impact monies paid to the Borough by JDH. The County would like to see the Traffic Impact Study go to the next phase. The next phase is a complete approval by PENNDOT. This is a step in moving toward permitting. Whether this is a PENNDOT project or whether a private/public partnership permits are needed. Mr. Ludgate has received a proposal, a scope of work and fee estimate, from the traffic engineer to complete that work. The first presentation was done using record information. They didn't come in and do new traffic studies. Now what happens, they will need to go to a scoping meeting in which PENNDOT will tell us what they want us to study and those types of things; specific analysis must be made and those types of things. Mr. Ludgate along with the consult believes this will show us nothing new. It will put things in terms that PENNDOT will approve. He would like Council's authorization to allow the traffic engineer to proceed. The upset number he has provided is \$80,000. Mr. Ludgate believes there is \$90,000 available. We would not be covering this from the General Fund but from County and JDH funds. Mr. Pachulo made a motion to allow STV to move forward with this phase of the Traffic Impact Study; seconded by Mr. Cirulli. AYES – 7, NAYS – 0; motion carried. Mr. Ludgate will be meeting with the County to make sure that money is available and there are no problems there. Mr. Ludgate and Mr. Mooney have set up a meeting the following week with the Community Development Coordinator and their solicitor. Ms. Sloan stated at the last meeting it was discussed about the table at the new Foodlion Store. She had some concerns and was

REVITALIZATION PROJECT (cont'd):

wondering if he could give them an update on that issue. Mr. Ludgate said immediately after that meeting he sent a letter to JDH, the developer, and informed them of the concerns of Council and informed them of the resolution at that point. The resolution at that point was to address the problem and if it was determined to be an issue they would provide some type of correction. At this point their response was to ask the Chief of Police to observe or to continue to observe the area and if a problem does arise they will step forward with a solution. They have not proposed a specific solution at this point. Ms. Sloan stated everyone can read plans. It was in the plans originally shouldn't have someone, say their architect, seen this and put it in. Mr. Ludgate stated in the plan we left it has a performance requirement. There were a lot of negotiations going on and this became one (1) of the sticking points. Ms. Sloan understood that. It was decided that they would build a table and come up with a design at the point of construction. At the point of construction there would be an approval. What happened was during the process of building the contractor stepped in and finished paving before there was specific approval of the table. At that point we had an option to tell the contractor to tear it out and rebuild it; however we were dealing with the deadline of getting the store open. So Mr. Ludgate made a decision that we could live with what they did with the condition if we had a maintenance guarantee that would allow us to step in at any point and require them to upgrade if we determine there is a problem. He was there today along with another engineer who has made the suggestion that there was some specific signage in the PENNDOT documents that might be applicable. One (1) of the things he thinks he would like to do is to select appropriate signage and send them to JDH and suggest they install them. Mr. Ludgate is trying to keep this as friendly as possible as it appears they are doing everything we ask of them. He does not feel he needs to play hardball right now. The Chief has stated as of today there has not been a significant problem. When the area gets busier that will be a different story. We certainly don't want to wait until there is a problem and then try to go after it at that point, Mr. Ludgate said. Ms. Sloan said we did a lot on the Sinking Spring side and her concern is from a safety perspective. As things pick up you are going to have issues. Mr. Ludgate agrees. He went on to say that we have them on notice for what it is worth. So, if there is an issue they are responsible, Mr. Ludgate said. Mr. Butkus questioned how much time do we have left in the maintenance bond as he knows it does not go indefinitely. Mr. Ludgate said it runs eighteen (18) months. Mr. Butkus said they couldn't do it tomorrow anyway because of the weather. Mr. Ludgate said we will try the signage and that can be done in short order. We have time to allow for these additional stores to open, Mr. Butkus said. Ms. Sloan said get the signs in. Mr. Ludgate will send another letter expressing Borough Council's concern. Ms. Sloan said her concern will continue.

Mr. Wenrich asked everyone to notice the pictures on the wall behind Mr. Ludgate. Those were pictures of the pavilion that Mr. Hart and his road crew put up back at Brookfield Manor Playground.

EXECUTIVE SESSION:

Mr. Wenrich requested an Executive Session to discussion a personnel issue. Council went into Executive Session at 8:22 p.m.

RECONVENE:

Council reconvened at 9:02 p.m. No action was taken.

UNFINISHED BUSINESS:

The first item was the non uniformed employee's handbook, application, and evaluation forms. Mrs. Shade stated she e-mailed everyone a copy of the handbook along with the application as well Mr. Holland, from VIST's recommendations and the employee evaluations. Mrs. Shade stated that Mr. Holland is stressing that the evaluations must be objective not subjective. He is willing to come and talk to Council on any of these issues. Mrs. Shade stated Mr. Mooney was involved in this process as well. Mr. Mooney said Council needs to go through the handbook and make sure they are comfortable with what is in there. He went on to say that we sat for four (4) hours on two (2) different occasions going over the handbook and making adjustments. Mr. Butkus made a motion to review the handbook, application, and evaluations at the workshop meeting; seconded by Mr. Pachulo. Mr. Wenrich questioned if we should invite the gentleman from VIST to attend the meeting. Mr. Butkus said if he is available. AYES – 7, NAYS – 0; motion carried.

The next issue was Officer Moyer's reimbursement of wages in the amount of \$854.24. Mr. Mooney requested this item be tabled until the workshop meeting. Mr. Mooney stated he and the Chief were to get together and talk and with the holidays it didn't happen. Mr. Wenrich stated we will table this issue.

The item was the signing of the Western Berks Ambulance contract. Mrs. Shade stated this is exactly the same contract that Council had signed the prior year it just needs to be "resigned" each year. No rates changed. Mr. Mooney stated he thought Council had already approved that to which Mrs. Shade we did however we need the document signed. Mr. Wenrich signed the contract.

The time extension letter for Sunoco was next. This is for the land development plan. Ms. Sloan questioned when do they want the extension to? Mr. Hart believes it is ninety (90) days. Mrs. Shade informed Council there was a letter in their binders. It appears they want it till March. Ms. Sloan asked why they want the extension. Mr. Mooney stated they are not through the planning process yet. Ms. Sloan made a motion to grant the time extension to Sunoco for the March 21st date; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

The next item was the Transportation Enhancement Grant. Mr. Ludgate stated this was originally mentioned at the prior month's meeting. Council authorized a representative to attend the December 8, 2010 meeting. Mrs. Jackie Hollenbach from Ludgate attended. She obtained the information we needed. Mr. Ludgate said \$1.2 million dollars is to be granted with two communities and non profits within the County for transportation enhancement projects. The maximum grant is \$400,000.00 for any particular project. It was suggested that this money be used to get pedestrian safety improvements built into the western portion of Penn Avenue. The problem as Mr. Ludgate sees it is the average travel speed on Penn Avenue in the western part of town is probably in excess of 40 m.p.h. There are several pedestrian crossings that are difficult to execute. The solution would be to come up with traffic calming and traffic pedestrian and safety enhancements to make it safer and slow the traffic down. Ms. Sloan questioned about the bus depot idea. She said that is where the buses what to come in and rendezvous. Mr. Wenrich said that is a

UNFINISHED BUSINESS (cont'd):

whole different project. Ms. Sloan questioned if this would apply. Mr. Ludgate said that agency is BARTA and they have their own funding sources. We would not have to expend some of the Borough's money or goodwill for that. They can pursue their own and frankly they are not quite ready to go. Ms. Sloan questioned if this would fall under that. Mr. Butkus said no because we aren't the ones applying for it. Ms. Sloan said she understood. Mr. Ludgate said the traffic enhancement program has a number of things that could fly. He believes Wernersville is applying for monies to rehab their railroad station. One (1) of the categories that is available under this funding is pedestrian safety and he and the Revitalization Committee believe that Penn Avenue in the Borough is a pedestrian problem. This might be an opportunity to make some improvements. There are a number of programs and it is a competitive grant situation. One (1) of the ways to get points in this process is to correct a hazardous condition for walking to school. One (1) of the identified hazardous conditions in the Borough and there are three (3) of them is Park and Penn Avenues. There is a PENNDOT report on file stating that this is a hazardous condition and looking at designs to correct the problem is what Mr. Ludgate is looking at doing. Mr. Butkus questioned at that particular intersection, who is crossing that street to catch a bus? Mr. Ludgate said it is a question of walking to school. He said the Wilson School District policy is high school has to walk if they are two (2) miles from the schools; junior high if they are a mile and a half; elementary school is another range. They looked at maps and all the schools that surround the Borough since there are no schools in the Borough and basically it covers the entire Borough. They want to create safe paths to walk to school. Mr. Ludgate is suggesting that we could take advantage of this program and list correcting that hazard as an objective. We wouldn't be completing the walk to school because there are other hazards. Mr. Butkus stated he would rather work with the next several blocks this way where there are more residential structures. Mr. Mooney said if we put it into the plan, Mr. Ludgate is suggesting that it might move us up the ladder for preferential treatment. Mr. Ludgate stated it gives us ten (10) points in the scoring. Mr. Wenrich asked what do we need to get the application in for this? Mr. Ludgate sent out a memorandum asking the Planning Commission to look at the rough sketch of the area. Mr. Ludgate explained that the application is due the Friday after the workshop meeting and he would like to get this to the Planning Commission and then to the Borough Council at their workshop for submission on that Friday. A brief discussion ensued to the problems in the block up with the rock issue. Mr. Ludgate stated he could send the information via a PDF file to everyone like he did for Planning Commission but he is up against the clock to get this in on time. Mr. Ludgate will mail everyone on Council a PDF and they can respond to him with their questions and comments and he will get back to them and perhaps they could come up with some type of consensus in time to get this application in. Mr. Ludgate stated we have not totally drawn on the LUPTAP funding that was provided through the contract with DCED. Mr. Ludgate would like to go to DCED and he believes we could get some of those unexpended funds transferred over to use in preparing this application. We also have the remainder of the JDH money and some of that money might be available as well. In general, the maximum grant is \$400,000.00; it was suggested that we don't go after the entire \$400,000 that it will be parceled out and that we should go for \$200,000 or whatever this plan is estimated to be. However, in that regard the RATS Committee who determines who gets the money will be reviewing who gets the grants in February or March, they expect that the applicants will be contributing 20%. That could come from a lot of other grant sources as well. He feels we are confident we can put together enough to show them the 20%. He is sure we will qualify but he does believe there will be some costs involved.

NEW BUSINESS:

The first item under new business was the reappoint of Wilmont Binkley to the Civil Service Board. Mrs. Shade explained that Mr. Binkley's term on the Civil Service Board expired as of December 31, 2010. He needs to be reappointed. Mr. Butkus made a motion to appoint Mr. Binkley; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. Mr. Mooney will check to see if Mr. Cirulli can continue to serve on the Civil Service Board as he is now a new Councilman.

The next issue was an appointment to the Westside Regional Emergency Management Agency due to Mr. Leiby's passing. Mrs. Shade stated this is the agency we belong to along with Spring Township, Borough of Wyomissing, and Borough of West Reading. They meet the 3rd Wednesday of every quarter at the Spring Township Office. The meetings are 8:00 a.m. A brief discussion ensued. Mrs. Stine volunteered to sit on the Board with Mr. Butkus as her backup.

Mr. Mooney stated that Mrs. Shade received a new amendment to the agreement with PA American Water Company. They have now gone back to the original contract because the PUC did not approve the change they made. So, Mr. Mooney stated we need to make a motion to go back to the original contract we had with PA American Water Company. Mr. Butkus made the motion to go back to the original contract with PA American Water Company; seconded by Mr. Pachuiilo. AYES – 7, NAYS – 0; motion carried.

POLICE CHIEF – JAMES OXENREIDER:

Chief Oxenreider stated we had 2,047 calls for 2010. There were 506 traffic citations were issued. 130 parking tickets were handed out and 191 warning notices were delivered. There were 162 calls for the month of December; 25 traffic citations; 2 parking tickets and 19 warning notices. 44-3, the Crown Vic, is having some transmission issues. It is slipping. He called Thomas Masano and they told him it could be the shift solenoid or a sensor for the transmission. It has 102,000 miles. Mr. Pachuiilo questioned if we could use the numbers that were given to us for the rental of a police vehicle. Chief Oxenreider stated he did and the numbers we were quoted are good till March. Mr. Pachuiilo stated perhaps we should move on that shortly since they are willing to extend the quote. Chief Oxenreider gave the quotes to all of Council. Mr. Wenrich recommended that we run till it doesn't run anymore and then park it. They only use 44-3 on occasion. A brief discussion ensued as to what could be wrong with the vehicle. Mr. Cirulli questioned what the terms were for the lease. He said there are different ways to handle it. Chief Oxenreider said it is either 36 months or 48 months at a certain amount. Mr. Cirulli asked if they handle the maintenance to which the Chief stated there is a warranty. Mr. Cirulli questioned if we will have to get the lightbars and get it marked up which the Chief said yes.

COUNCILMAN - JAMES PACHUILO:

Mr. Pachuiilo stated at the yearend meeting it was discussed about looking into the finances of the Borough. He didn't know how Council wanted to proceed with that. He stated that he and Mr. Butkus has some discussion on our investments. He went on to say that PLGIT's rates are very low compared to banks right now. Mr. Butkus said we need to do whatever we must to maximize the interest. Mrs. Shade questioned if Council received the e-mail she had sent out. She stated that

COUNCILMAN - JAMES PACHUILO (cont'd):

is her job and she does do that. Mrs. Shade stated right before the Holidays she had met with a representative of PLGIT. She went on to say we currently do not have much invested with PLGIT however the Borough does have a little with them as they are looking at changing the way things are being done. She didn't want to close them out totally and then find out they have better rates and then having to start with the process of setting up new accounts. Mrs. Shade went on to say according to the representative they are changing some of their practices; one of them being they want to have their clients be able to write checks from the savings account which would make things much easier. Mrs. Shade went on to say that if we see an interest rate that is higher at another institution, if she calls National Penn Bank they will adjust our rate accordingly. They are willingly to work with us. Mr. Pachuiilo appreciated that. He continued that in addition Council discussed the amounts we are paying on our loans. Mr. Wenrich asked if he wanted to head a committee to look into that. Mr. Pachuiilo was willing to head that committee. He asked for two volunteers. Mr. Butkus and Mrs. Stine volunteered. Mr. Pachuiilo stated they could meet and then sit down with Mrs. Shade and discuss about refinancing on some of the loans. He hopes that would help us work into a capital budget at some point.

COUNCILMAN – EDWARD OSWALD:

Mr. Oswald stated before he brought up about our website and social networking. He has done some research and he looked at ways to do it for free. He stated Mr. Butkus had said about having some Vo-Tech students do it. Mr. Oswald said he had talked to some people and while it sounds fine we would never have a central person to deal with as they are constantly moving on. He still would like approval from Council for social networking. He stated it has worked out for the BOSS 2020; it has become sort of a town hall discussion area. They get ideas from there. He said it might not work so good in the beginning till it gets up and running but he feels once we got the bugs out it would be an asset. He was also thinking about text messaging. We could place snow emergencies on those sites in addition to the radio as more and more people are using computers these days. Ms. Sloan said we could use it for trash collection changes for holidays. He needs authorization from Council because it would be relaying official Borough business. Mr. Butkus wants more specifics. Mr. Oswald stated he would like to do Facebook and Twitter right away. As far as other things he will bring that information to Council. He is seeking authorization for Facebook and Twitter at this time. He needs to look into text messaging and costs. Mr. Butkus said to investigate what it would cost, does he need approval. Mr. Oswald stated no he is just looking at creating official outlets. Mr. Butkus thought we wanted to know the costs of this. Mr. Mooney said he wants official Borough of Sinking Spring Twitter and Facebook page which would cost nothing at this time. We can think of other useful ways to use it as well. Ms. Sloan questioned who would update it. Mr. Oswald stated Mrs. Shade is familiar with Facebook and feels it would be a great way to get information out to the public as needed. Mr. Oswald explained how Facebook and Twitter works. Mr. Oswald said we can try it and if it doesn't work we can take it down. Mr. Wenrich stated it was free. Mr. Pachuiilo made a motion to open official Borough sites on Facebook and Twitter to relay important Borough information to the public and for the public to comment; seconded by Mr. Cirulli. Mr. Butkus questioned if that is used as a town hall shouldn't all seven (7) of them be able to participate in the discussion. He has no problem for using it to get information out. Mr. Oswald said that you are resident of the town so of course you could participate in the

COUNCILMAN – EDWARD OSWALD (cont'd):

discussion. Mr. Mooney said the way he knows Facebook and there are no cases on this as of yet however if four (4) members of Council were in a chat room that could be considered a quorum. Mr. Butkus stated this is all hypothetical at this point to which Mr. Mooney and the rest of Council agreed. Ms. Sloan said why don't we just open the accounts for dissemination of information at this point and see how it goes. Then perhaps we could expand it. She is concerned that we are dumping more work on Mrs. Shade. A discussion ensued as to what information should go out. AYES – 7, NAYS – 0; motion carried. Mr. Oswald said that he and Mr. Butkus will probably have something regarding the sewer plant midyear in regards to the budget. Mr. Butkus said they will be looking at the pros and cons of operating the sewer plant ourselves as opposed to contracting in out either with Miller or someone else. The contract ends at the end of the year. Council needs to decide 180 days before so that would be June. So we will need to go out to bid. He feels it never hurts to go out to bid.

MAYOR FRANCIS BUTKUS:

Mayor Butkus had a question regarding snow and he would like the guidance or blessing of Council. His question is in the need of a snow emergency do we want to run it the way we did before? He asked the question of both Mr. Hart and Chief Oxenreider. He also wanted to know who was going to enforce the codes such as cars in the street and who is going to do the sidewalk? Mayor Butkus said it should be clarified. Mr. Butkus said he believes the vehicles must be covered by the Chief because they are motor vehicles. Mayor Butkus "kinda" surmised that. Mr. Butkus feels that the police should deal with both the cars on the street and the "not shoveling" sidewalks. Mr. Butkus feels we need to seriously revamp the snow emergency ordinance. In the meantime, we should have the officer on duty also being the one ticketing for not shoveling their snow. Mr. Hart's guys are going to be busy enough plowing and pushing back snow so he believes it should be a police matter for both. Mr. Cirulli questioned if that is the way it has been. A discussion ensued as to what was done in the past. Mr. Butkus said in addition before the snowstorm hits if we could have that side of the street cleared ahead of time so that we aren't waiting till 3:00 in the morning, we are announcing it ahead of time it will be beneficial. Mrs. Shade stated that we received the phone calls here with concerns about the snow emergency times. She forwarded the calls that were extremely upset to the Mayor. Mr. Wenrich said he is for letting the Chief handle the ticketing of the cars and sidewalk. He told Mr. Hart if he sees something to let the Chief know. Chief Oxenreider stated they have been working together over the past few years. The Chief stated he does the sidewalks as well. Mr. Hart said he did a few but not that many. The Chief usually did the sidewalks and he will continue to do them.

COUNCILMAN – GEORGE BUTKUS:

Mr. Butkus would like some of Council sit down with Mr. Hart and the Chief and at the appropriate time the lawyer and get the snow emergency ordinance straightened out because six (6) years ago a Councilman was going to do it and it never got done. He feels it might be advisable to do what some bigger cities do, have a multi phase cleanup. He explained how he would like to see it work. A brief discussion ensued. Mr. Wenrich said we can revisit that. Mr. Hart said we should actually have two (2) plans. One (1) would be the snow emergency and the second would be an action plan. He feels we need to have a place for those vehicles to go that must move because of

COUNCILMAN – GEORGE BUTKUS (cont'd):

the snow emergency. Last year we set it up with the VFW to use their lot. We need to check on the legal issues. Mr. Butkus said we used the fire company in the past. We also were allowed to dump the snow back there too. Mr. Hart has a good working relationship with them as well. Mr. Wenrich asked Mr. Hart to look over the snow emergency ordinance and see how we can make it better. Mr. Hart stated the only thing we can really set down on paper is the snow routes. The storms vary so much we can have the best plan as thick as a phonebook and the very next storm that plan is not relevant. Mr. Butkus said once we get the snow emergency routes cleared and the snow cleared they will punch a lane through each street; they may not be curb to curb but they will be passable. Mr. Butkus stated we will deal with the cars parking and needing parking in two (2) lanes a little later in the cleanup.

SEWER ENGINEER – DAVID SCHLOTT, JR, ARRO CONSULTING:

Mr. Schlott stated with the wastewater treatment upgrade being a PENNVEST project there must be a construction project control's review done by the McGuire Group. They are an independent firm. This will occur the following week. With it being the end of the year he must work on preparing a Chapter 94 Report. That is due by the end of March. They must also prepare a Preparedness, Prevention, and Contingence Plan. He explained what it is. Mr. Butkus made a motion authorizing ARRO to prepare the spill response plan and the Chapter 94 Report; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. Mrs. Shade stated her, Mr. Hart, and Mr. Schlott were requested to attend a meeting regarding the regionalization of the sewer/water plants by the County. The Berks County Planning Commission has requested this of us. She believes they will be talking to everyone that has a plant.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart stated Council has his yearend reports for building permits issued and code enforcement. At the last Council meeting the Library had requested Council's blessing for carpeting cleaning, painting, and repairing the HVAC system. Nothing has been done in regards to the carpet cleaning until it is decided what is going to be done with the HVAC system. The painting is complete. The HVAC system is going to be paid out of Borough funds so he believes Council will have to authorize him to go get the engineer drawings. Ms. Sloan asked how much that will cost and Mr. Hart stated about \$5,000.00. Mr. Butkus said he thought that was being covered by the Library to which Mrs. Shade that is true however it is still Borough funds. Mr. Butkus understood then. Ms. Sloan made a motion to get the HVAC plans; second by Mr. Oswald. AYES – 7, NAYS – 0; motion carried. It is undersized for that area. The next item is the electric for the pole building. The plans are currently at Kraft Codes. The money that was set aside for this project was in the 2010 budget. He just was looking to Council now because that money was not placed into the 2011 budget. Ms. Sloan asked how much. Mrs. Shade said \$30,000.00. Mrs. Shade stated she spoke to Mr. Hart about this and if Council so chooses we can pay for this out of the 2011 budget it would just be an unbudgeted 2011 item. Mr. Butkus questioned once we get the plans can we then get quotes. The answer was yes. Mr. Hart is trying to get an engineer cost on it right now so he knows which way to go. If it is going to be over \$10,000, we will need to go for formal bidding. If it is over \$25,000 we will need to use the State prevailing wages. He wants to stay away from that. Mr. Butkus asked how long it will take them to do what they need to do. Mr. Hart

PUBLIC WORKS DIRECTOR – MICHAEL HART (cont'd):

said he has thirty (30) days by the letter of the law. Kraft is currently swamped with many plans. Mr. Butkus explained he saw on the Discovery Channel a new glow in the dark plastic that NASA helped develop. It will glow for over thirty (30) hours after the end of light exposure. It is bright enough that you can use it as a source to read with. There is no electricity; it is a piece of plastic with the black stenciled in. Ms. Sloan said a money saver. It holds up for years. Mr. Butkus requested Mr. Hart to look into this. Mr. Hart said that might work for the old building but the new building by code must have the electric unit installed, he believed. Mr. Butkus said he doesn't know what it says here but in quite a few states it says it must be illuminated. Mr. Wenrich stated we will need to wait and see what happens when we get the plans back. Mr. Hart said he needs the engineering costs estimate not really the plans.

BOROUGH ENGINEER – ROBERT LUDGATE, SR.:

Mr. Ludgate said he had a meeting that morning with McDonald's people. They are planning to build a new store at the present location. Mr. Ludgate suggested that they submit a sketch plan because they have some concerns with how this will fit with future traffic plans and also with future architectural plans for downtown. Mr. Ludgate I said if they submit it by mid month it would be available for review at the January Planning Commission meeting. However, because of their concern about the traffic issue, he suggested if they cover the cost we could submit the plan to our traffic engineering consultant; they could input their proposed plan into the model and come up with any particular problems. They are concerned about left turns in and out. Since BOSS2020 is now going to hire an architect using their \$8,500.00 grant, again if there is authorization, they can submit their architectural concern to that consult and agree to pay BOSS2020. He is requesting Council's permission if they do submit the sketch plan to submit it to the traffic engineer and to the architectural consultant. They must reimburse both agencies for whatever the cost, so it does not cost the Borough anything. Mr. Butkus made the motion to authorize the above request as long as they pay for all costs associated with their plan; seconded by Mr. Oswald. AYES – 7, NAYS – 0; motion carried.

POLICE CHIEF OXENREIDER:

Chief Oxenreider stated he put together the Standard Operating Procedures and gave them to Council as well as the Solicitor. It was on disc and if they can't open it to let him know and he will try to reformat it for them.

PUBLIC COMMENT:

No public comment.

COUNCIL PRESIDENT WENRICH:

Mr. Wenrich stated he has been visiting Foodlion almost daily and he has noticed there is no turn on red up there. He said we could be making a lot of money because people are making the right and not waiting for the light. Chief Oxenreider stated many people have been stopped and he is issuing warnings right now since it is new. He believes people aren't aware that the sign is there.

COUNCIL PRESIDENT WENRICH (cont'):

It is posted properly. They are running the stop sign near Ms. Sloan's house as well. They also cross over the double yellow line on Rt. 724 as well, Mr. Cirulli stated.

COUNCILMAN – GEORGE BUTKUS:

Mr. Butkus wanted to remind everyone that this is a municipal election year. February 15, 2011 is the first day that you could circulate your petitions. You must have them in by March 3rd. Mr. Butkus, Mr. Wenrich, and Ms. Sloan's seats are up as well as Mr. Leiby's.

ADJOURNMENT:

Mr. Oswald made a motion to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer