

A joint meeting of the Borough Council of the Borough of Sinking Spring and the Municipal Authority of the Borough of Sinking Spring was called to order on Tuesday, January 13, 2008 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  
Bruce Light  
Barbara Kutz  
Lawrence Schmidt  
George Butkus  
James Zerr  
Elizabeth Sloan

Other officials present were: Mayor Clarence Noecker, Charles Fitzpatrick, Borough Solicitor, James Oxenreider, Chief of Police, Robert Ludgate, Sr., Ludgate Engineering, David Schlott Jr., ARRO Consulting, Ronald Wentzel, Liberty Fire Company, Michael Hart, Public Works Director, and Regina Shade, Secretary/Treasurer, who recorded the minutes of the proceeding.

Municipal Authority members present at the meeting were as follows:

Francis Butkus, Chairman  
Dennis Leiby, Treasurer  
Kandis Moser  
Jeffrey Mohn, (absent)

Other Authority officials present were: John Hoffert, Solicitor, Alex Morrison, ARRO Consulting, Elizabeth White, Secretary, who took the minutes of the meeting.

A moment of silence was held for our armed services, which are in harm's way; police and fire departments, and for our future President, who hopefully can guide this county to a better place.

Mr. Francis Butkus called the Authority meeting to order at 7:03 p.m.

Mr. Fitzpatrick stated that back in August of 2008 an Ordinance was passed beginning the disbandment of the Borough of Sinking Spring Municipal Authority. Mr. Fitzpatrick introduced Mr. Mike Setley who orchestrated the taking over of the loan from the Authority.

Mr. Setley stated the loan was \$597,367.90 and will be with Susquehanna Bank. We did receive DCED approval.

Mr. Schmidt made a motion that the Borough shall accept the delivery of the deed of the real estate owned by the Authority, accept the assignment of all rights in and to Easements in favor of the Authority and accept as well as be directed to execute and deliver the Bill of Sale for all tangible and intangible personal property not affixed to the real estate, including an Assumption of Liability by the Borough; seconded by Mr. Light. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried.

Mr. Hoffert requested the Authority make a motion executing the same type items. Mrs.

**JOINT MEETING WITH AUTHORITY:**

Moser made a motion to execute and deliver the following documents in furtherance of the transfer of the sanitary sewer system to the Borough of Sinking Spring:

1. Deed to the real estate owned by the Authority
2. Assignment of all rights in and to easements in favor of the Authority to the Borough, including all sanitary sewer lines
3. Bill of Sale for all tangible and intangible personal property not affixed to the real estate, including an assumption of liability by the Borough

Seconded by Mr. Leiby. AYES – 3, NAYS – 0; motion carried.

Mr. Setley explained there are fees in conjunction with this that need to be paid. A brief discussion ensued and it was decided that we would hold a workshop meeting on January 28<sup>th</sup> to discuss these bills.

**ADJORNMENT:**

The Joint Meeting was adjourned and the documents were signed by both parties at 7:12 p.m.

**RECONVENE:**

The regular monthly meeting reconvened at 7:26 p.m. in Council Chambers.

Mr. Wenrich thanked the Authority for all their hard work over the years. He was going to thank them however they were still in their meeting and it was decided to do this after they adjourned their meeting.

Mr. Setley spoke to Council about the H2O grant. He feels that between the Borough Engineer and Solicitor we could apply for the grant on our own. A brief discussion ensued. Mr. Butkus made a motion to allow our Solicitor and Engineer to aggressively pursue getting the grant; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

**APPROVAL OF MINUTES:**

Mr. Light made a motion to accept the meeting minutes from the November 24th, December 4th, and December 30th Council meeting; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

**VISITORS:**

Mr. Timothy Bohn of Krick Avenue addressed Council in regards to the merger. Mr. Bohn questioned Council why it was okay to pass a budget or dismiss employees when a majority of Council was not present however a vote on whether the Borough wants to be a part of the merger

**VISITORS (cont'd):**

could not be taken till all of Council was present. A discussion ensued. Mr. Butkus stated that the dismissal happened because some of Council was not presented the names prior to the hiring and it was a procedural decision nothing more. Another brief discussion ensued. Mr. Bohn thanked Council.

**COMMUNICATIONS:**

Mrs. Shade stated that the Borough received a thank you note from the Library for all that the Borough has done for them. They thanked the Borough for their support not only financially but for the job that the street crew and office staff do for them as well.

At this time, the Authority meeting ended and the members joined Council for the rest of the regular Council meeting. Mr. Schmidt thanked the Authority for the outstanding job they had done in the past. He especially thanked Mr. Francis Butkus and Mr. Dennis Leiby for all the time they had put in. Mr. Schmidt asked Mr. Butkus to stay on as a consultant till at least the transition was complete. Mr. Butkus gave it a lot of thought and at this time he feels it would not be a good idea. Mr. Schmidt thanked him again. Mr. Schmidt asked him if someone calls him with a question would he be willing to answer the question to which Mr. Butkus stated "everybody does".

**MILLER ENVIRONMENTAL:**

Mr. Peter Juzyk gave the report for December, 2008. He stated the majority of the work that was done in December was in regards to industrial pretreatment. West Lawn Graphics no longer has operations in the Borough and are no longer discharging into our system. Mr. Juzyk had spoken to ARRO and a letter was generated to them requesting some type of notification of a change in status. As of that day no letter had been received and they were not sampled for the fourth quarter of 2008. In the fourth quarter they sampled thirteen (13) commercial and eight (8) industrial permittees. Invoices are being issued. The oil heater in the garage was replaced during the month. WAWA was notified they were missing a vent cap; Mr. Juzyk had noticed that the cap was replaced. In December, they observed some anomalous reading on Beacon Street from the flow meter charts in conjunction with a rain event on December 11, 2008. He discussed the issue with Mr. Schlott. They will continue to monitor this. Mr. Butkus made a motion to authorize the notification of the Township if another anomalous reading takes place; seconded by Mr. Schmidt. AYES – 7, NAYS – 0; motion carried. Mr. Juzyk reported that the light pole damage reported earlier still has not been replaced. He was contacted by Zurich Insurance who is trying to obtain an itemized list of repairs from Reading Electric. Ms. Sloan questioned how long this should take. Mr. Fitzpatrick stated those responses are all over the board but he recommended we wait another thirty (30) days. Ms. Sloan questioned if we don't hear anything from them could we write a letter. Mr. Fitzpatrick stated we could. There were two (2) significant rainfall events during the month and the plant handled it very well. The total rainfall was 7.53 inches. The total monthly flow was 19,979,000 gallons. The average daily flow was 644,000 gallons; the minimum daily flow was 443,000 gallons; and the maximum daily flow was 978,000 gallons. The contribution by each municipality is: Sinking Spring – 65.7%, Lower Heidelberg – 24.7%, and South Heidelberg – 9.6%. The influent loading data stated that the BOD was in within design perimeters. Mr. Juzyk stated that he has an unpaid invoice from January of 2008 belonging to the China King Restaurant.

**MILLER ENVIRONMENTAL(cont'd):**

He does not have a current address and was questioning how Council wanted to proceed. The amount was \$156.60. Mr. Fitzpatrick stated to send it to the owner of the property. Mrs. Shade stated to send her the information and she will look into it. Ms. Sloan questioned if the chlorine regulator switch was repaired. Mr. Juzyk stated he took it apart and after he put it back together it was working just fine.

**REVITALIZATION PROJECT:**

Mr. Ludgate, Sr. stated December is usually a slow month however the Committee did do some significant work. The Mayor, former Council President, Larry Schmidt, our current Council President, Stewart Wenrich, Borough Secretary, Regina Shade, Public Works Director, Mike Hart, and he appeared on BCTV on December 9<sup>th</sup>. There is a great deal of interest in this project. It is looking like there might be a second show sometime in February featuring the Borough once again. A delegation of the Committee met with the Wilson School District as they have offered their services in several different ways. They are in full support of this project as well. The Committee had a meeting in December and the Goals and Objectives for 2009 were agreed upon. Word has been received that our LUPTAP grant was approved by the committee. It has been forwarded to the DCED Executive Board for final consideration; however at this time we have not heard from them. Our PCTI Funding Grant is pending. It has been forwarded to the RATS Committee. It will be taken up in full committee the upcoming Thursday. Mr. Ludgate has been invited to attend. This is a new process so everything is being sent back to Harrisburg with possible recommendations from District 5-0. The Borough's Planning Commission has begun work with Mr. Ken Pick, County Redevelopment Authority Director, and a consultant. They are working on a revitalization plan. This is a multiple step process. The first three (3) steps must be completed by the Planning Commission as a matter of law. After that there will be a report to be made to Borough Council who will then have an opportunity to have a hearing on whether to adopt the plan prepared by the Planning Commission. 10,000 Friends of Pennsylvania which is lead by former County Commissioner Judy Schwank has written a letter to the Secretary of Planning of PENNDOT on our behalf. There will be a Revitalization meeting this coming Thursday at 6:00 p.m. and everyone is welcome and encouraged to attend. The meetings are open to everyone and anyone.

**REPORTS OF COMMITTEES AND OFFICES:****POLICE CHIEF – JAMES OXENREIDER:**

Chief Oxenreider gave his monthly report. There were 160 calls. He stated for the year 2008 they had 2,163 calls. They issued 528 citations. 149 parking tickets along with 138 warning were issued.

**PUBLIC SAFETY – LAWRENCE SCHMIDT:**

Mr. Schmidt stated that on Saturday, February 7, 2009 the Borough will be holding an Appreciation Banquet to honor our fire and police departments. The Safety Committee appointed a subcommittee to put together this event. They have rented the Goodwill Beneficial Association for this event and have booked a DJ as well. There were 60 to 65 invitations sent out.

**PUBLIC SAFETY – LAWRENCE SCHMIDT (cont'd):**

Mr. Schmidt stated the other item was sewer related. He asked Mr. Butkus if he minded that he spoke on this issue to which Mr. Butkus told me to go ahead. Mr. Schmidt stated that we shall be going to monthly sewer billing as opposed to quarterly due to the increase in our sewer rates. By doing this we hope it will make the paying of the bill a bit easier on the residents. The Sewer Committee made this recommendation. Mr. Schmidt made a motion to have Mr. Fitzpatrick create a Resolution changing the billing from quarterly to monthly along with the trash; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

**LIBRARY – ELIZABETH SLOAN:**

Ms. Sloan stated the only item she had was the Resolution regarding the fire merger which is on the agenda later. Mr. Wenrich said we could take care of this matter now. Ms. Sloan stated Mrs. Shade e-mailed everyone a copy of the nonbinding Resolution put together by Mr. Mixell. It was passed already by Lower Heidelberg and Wernersville. Ms. Sloan asked Mr. Fitzpatrick if he had a chance to review this document to which Mr. Fitzpatrick stated he did. He actually drafted another Resolution. His Resolution was identical to the Resolution passed by South Heidelberg Township. Mr. Fitzpatrick feels it is a bit clearer. He explained and read this Resolution. This is a concept idea. Ms. Sloan made a motion that we vote on this Resolution that evening; seconded by Mr. Butkus. Mr. Butkus questioned this is a declaration of our intent however we need to see the bylaws and everything else. Mr. Fitzpatrick stated that was true; it is supporting the concept of the merger but we are not adopting the merger. The merger itself will need to be supported by an intermunicipal agreement. Today, Mr. Fitzpatrick received a copy of the proposed bylaws however he has not had a chance to review them. It seems he receives most of the items the day of the meeting. AYES – 7, NAYS – 0; motion carried.

**RECREATION – BARBARA KUTZ:**

She had no report.

**STREETS, BUILDINGS, AND UTILITIES:**

Mr. Light wanted our Public Works Director, Mike Hart to speak about our new truck. Mr. Hart stated that the truck has come in. Everything is fine with it and the employees are being trained in the use of the truck.

**ADMINISTRATION – JAMES ZERR:**

He had no report.

**SEWER COMMITTEE – GEORGE BUTKUS:**

Mr. Butkus stated he will be meeting with the sewer committee after the meeting to set up some dates for meetings.

**SEWER ENGINEER – DAVID SCHLOTT, JR.**

Mr. Schlott said he inquired with Spring Township the week prior about where we are on their waiver request. He was told this issue will be put on the next Planning Commission workshop and meeting docket.

**PUBLIC WORKS DIRECTOR – MICHAEL HART:**

Mr. Hart stated he presented Council with a yearend close out on building permits and code enforcement issues.

He stated we received a letter from PENNDOT in regards to Columbia Avenue. They have scheduled Columbia Avenue from the railroad tracks south to the Borough line to be paved this summer. Notices have been sent out to residents to repair or replace their curbs prior to paving. The tentative date is May. It is a short time frame.

The other issue was the fire hydrants. This has been sitting since last year. We can retain ownership of them or sell them to PA American Water Company for \$1.00. He would like to have a decision by Council on what they would like to do with them. Mr. Zerr questioned Mr. Schmidt on this. Mr. Schmidt stated the Safety Committee makes the recommendation to sell them for the \$1.00. Mr. Zerr made the motion to sell the fire hydrants to PA American for \$1.00; seconded by Mr. Light. Mr. Butkus questioned if a car knocks off a fire hydrant they (PA American) are responsible for it along with the painting and maintenance of it. Mr. Zerr stated yes. AYES – 7, NAYS – 0; motion carried.

**BOROUGH ENGINEER – ROBERT LUDGATE, SR.:**

He stated he had nothing in particular to report with the exception they continue to work with Mr. Hart on Brookfield Manor.

Mr. Schmidt asked Mr. Ludgate if we have heard anything in regards to Traditions and if they will be moving forward with the golf course area. Mr. Ludgate stated only rumors nothing substantial. Mr. Fitzpatrick said he could make some phone calls but they are not proceeding to get the final plan approved. Mr. Ludgate stated their plan was “conditioned.” There would be a time frame on those conditions, Mr. Ludgate said. Mr. Ludgate said the plan has to be endorsed thirty (30) days of recording. A brief discussion ensued as to the recording of the plan. Mr. Schmidt questioned if we could make a phone call. Mr. Butkus stated at this point there is no real problem to us with the exception of the improvements that were to be made and aren’t being made. Ms. Sloan stated it is delaying the tax flow/revenue to us. Ms. Sloan feels we should look into this. Mrs. Shade stated she had included some of the fees in the 2008 budget however she put nothing into the 2009 budget as she was not sure where we stood with the project. Ms. Sloan stated they will still be golfing this year at the course. Mr. Fitzpatrick will contact them.

**FIRE CHIEF – RONALD WENTZEL:**

Mr. Wentzel stated the monthly report was handed out and hopefully by next month they shall have the yearend report as well. He continued that we had a first floor apartment fire that morning at the Spring Valley Apartments. He thanked all the firemen that were there for the outstanding job they did that morning. He explained exactly what happened and how fast the equipment and personnel were on the scene. Road crew worker, Matt Zerr, was the Deputy in Charge. Council congratulated them with a round of applause.

**MAYOR – CLARENCE J. NOECKER:**

Mayor Noecker requested permission to attend the PSAB Convention in Hershey on March 22<sup>nd</sup> to the 25<sup>th</sup>. In addition, if he is permitted to go, he would like to be the voting delegate. Mr. Zerr made the motion to allow the Mayor to attend the convention; seconded by Mr. Butkus. Mr. Butkus questioned what the fee was for him to attend. The Mayor stated \$225 by March 2<sup>nd</sup> or \$260 after March 2<sup>nd</sup>. AYES – 7, NAYS – 0; motion carried.

Mayor Noecker questioned if we have done anything about the Open Records Act. He wanted to know if we have put anyone in charge. Mr. Fitzpatrick stated they had planned a seminar but they cancelled it as no one had signed up for it. There is an Ordinance for consideration which shall be passed out at the workshop meeting.

**UNFINISHED BUSINESS:**

The first item under unfinished business was the new rate for the tax collector beginning in 2010. Mr. Butkus had a question on that item. He stated since we are going to monthly trash billing would it be easier on the tax collector if we bill for the commercial trash. Mr. Zerr stated it was actually cheaper. Mrs. Shade stated in addition, that gets some revenue for the Borough beginning earlier in the year as well. Mrs. Shade stated the proposed rates were listed in their binders. Mrs. Shade stated most of it is remaining the same; the only changes are adding on for trash collection notices to businesses and apartments. This was changed to have the tax collector collect them a few years ago; however there was no compensation given to them for this. Mrs. Shade stated this is not for the current tax collector. We need to have this changed before anyone runs for that position so they would know their compensation. Ms. Sloan questioned what the changes were to which Mrs. Shade stated it was adding the \$5.00 per bill for the collection of the trash fees and the LST. Mr. Light made a motion to approve the new compensation schedule for the trash collector beginning in 2010; seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried.

**NEW BUSINESS:**

The Friends of the Library would like to hold a book sale in the basement on April 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup>. Mr. Butkus made the motion to allow the Friends to have their book sale however if any books get damaged on the floor that is their problem not the Boroughs and it is cleaned up no longer than one (1) week after the sale; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

Mr. Wenrich stated there will be a workshop meeting on Wednesday, January 28<sup>th</sup> beginning at 7:00 p.m. at the Borough Hall. Topics of discussion will be the sewers.

**NEW BUSINESS (cont'd):**

The next item on the agenda was office procedures. Mr. Fitzpatrick stated recently there has been some concern about security in the Borough offices. There are a number of important and confidential documents that pass through and are stored in the office. In addition, there is a certain amount of financial info and receipts of cash in the office. Given the concerns over these issues, Mr. Fitzpatrick stated, he felt Mrs. Shade should contact Chief Oxenreider and ask him to develop some office procedures for security in the Borough Hall. Mr. Fitzpatrick believes that the Chief had at least started the process of looking into this matter. Chief Oxenreider has completed an assessment and he passed out a list of his recommendations. The Chief was willing to discuss their concerns either now or at another time; but again, he stated these are his recommendations. Mr. Wenrich questioned if the Chief will be attending the workshop to which he responded he will be. Mr. Wenrich requested Council to review these recommendations and they can discuss them at the workshop meeting in January. Mr. Zerr stated that we found out the video system for the Borough is not working. When the admin committee met they told Mr. Hart to start looking into putting a new video system and/or upgrading it. Mr. Zerr stated we proposed this to Council two (2) years ago and at that time we thought it was too much money; however now here we are again. Mr. Hart stated the quote he received was very close to \$6,000.00 which means we need to get at least two (2) more phone bids. He will check with other dealers to see if he can get them. Mr. Wenrich requested Mr. Hart to have those bids by the workshop meeting. Ms. Sloan questioned what this exactly would entail. Mr. Hart stated we can retain the use of the old cameras. We will be adding four (4) additional cameras; the DVR driver is history and we only had a two (2) day retention on it. The new one (1) will have a minimum of thirty (30) day retention. Mr. Hart explained how they will work. Mr. Zerr said there will be one (1) back in the police department. The Chief is on board with this. There will also be one in the parking lot area as well.

**PUBLIC COMMENT:**

Mrs. Dorothy Schmidt, Acting President of the Recreation Board questioned why no report was given for the Recreation Board. She stated that December is the busiest time of the year. We had the Borough Holiday Party for the volunteers and employees; we had the Borough Lighting of the Tree; we had judging of the houses for decorations, we decorated the Borough Hall and nothing was reported. Mrs. Kutz stated she was not here for the month of December. Mrs. Kutz asked Mr. Light if he was around to which he stated he had just gotten out of the hospital. Mr. Light stated he will not give a report on the Recreation Board unless Mrs. Kutz tells him to do so. He stated the last time he gave one, Mrs. Kutz walked all over him for it. Mr. Light stated she is the main person on the Rec Board; he is just a member of the Board. Mrs. Schmidt thanked them for their comments however they need members for the Board however she wondered how we will they get new members if people don't know what the Board does.

**ADJOURNMENT:**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

---

Regina M. Shade, Borough Secretary/Treasurer