

The workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, February 25, 2009 at 7:03 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
Lawrence Schmidt
James Zerr
George Butkus
Barbara Kutz
Elizabeth Sloan

Other officials present were: Mayor Clarence Noecker; Charles Fitzpatrick, Borough Solicitor; Robert Ludgate, Sr., Ludgate Engineering; Michael Hart, Public Works Director; Police Chief James Oxenreider, and Regina Shade who recorded the minutes of the proceedings.

A moment of silence was held for our armed services and for the tragic loss of another police officer in Philadelphia.

VISITORS:

There were no visitors.

EXECUTIVE SESSION:

An executive session was held at 7:05 p.m. for the discussion of real estate.

RECONVENE:

Council reconvened at 7:52 p.m. No action was taken.

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The first items had to do with the Recreation Department. The first was the Spring Township Fishing Rodeo. The Borough always donated \$500 to them. Mr. Light made a motion that we donate \$500 to them; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried. Mrs. Kutz stated she sent out seven (7) letters to the Rec Board members asking them if they are still interested in serving. She heard back from one (1) who would like to remain on the Board but not in a leadership role; two (2) have resigned and she did not hear back from the rest. Mr. Butkus wanted us to start advertising for playground leaders. Mrs. Shade stated that someone should probably contact the leaders we had in the past and ask them if they are interested in being a leader this year. Mr. Butkus questioned if we can authorize the office staff to do that. Mr. Wenrich stated that Mrs. Shade had spoken to him about possibly getting corporate or other types of sponsors for the parade this year. Funding is an issue this year and she thought this might be a way to keep the parade alive. Ms. Sloan questioned how we do this. Bring the money to Borough Hall and then

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have it deposited into the General Fund as a donation. Mrs. Shade explained that the money can be placed directly against the parade cost. A brief discussion ensued. Mrs. Shade stated we can put a blurb in the newsletter. Mr. Ludgate questioned how much money it takes to do the parade. Mrs. Shade stated it varies. Up until a few years ago no one ever charged us for being in the parade; however for the last few years, more and more groups are not asking for something. There is also police overtime to be considered as well. Mr. Ludgate stated one of the tasks that the Revitalization Committee can do is ask for donations. Mrs. Shade stated she believed that Dorian Cola, Chairperson of the Promotion and Advertising Committee, as well as Jim Pachuillo, Chairman of the entire Revitalization Committee both received letters regarding the parade. Mrs. Shade stated \$1,000 to \$2,000 will be about the cost of doing the parade without spending monies to get some of the participants here. It was stated that the Buccaneers wanted \$800 to appear in the parade. We can't afford it however if someone wants to donate that money then it might be able to happen. Mrs. Shade again stated it was just a thought to perhaps carry on the tradition that the Rec Board has created over the last few years. Our parade has grown and if we would like to continue this tradition, this is one way we can do it. It was decided to allow for corporate or personal sponsors. Ms. Sloan wanted some type of letter/flyer to hand out when asking for donations. The office will put something together and get it to Council.

The next item was the playground and registration fee. Mrs. Shade stated there was some discussion on what if any fees we want to charge. Mr. Butkus stated we charged \$60 last year. Mrs. Shade stated it never happened. Mr. Light stated no one wanted to collect it. Mr. Butkus questioned who was the no one? Mr. Light stated no one from the Rec Board and/or the playground leaders. Mrs. Kutz did not know this. Mrs. Kutz stated someone should have told her this as she could have been down there the first week or two collecting the money. Mr. Wenrich stated we can't change what has happened but we need to move forward. We need to put a plan together. Mrs. Shade stated it was discussed that perhaps we could charge residents \$10 per child with \$5 per child after that up to a maximum of three (3). Then charge non-residents \$20 per child with \$5 or \$10 per additional child up to a maximum of three (3). She had the concern that if we go to high that children will sign up with addresses of people who live in the Borough and we won't get anything. She feels if we make it bearable people will pay it. Mr. Butkus does not feel we need to charge the Borough residents; they are already paying taxes to which Ms. Sloan agrees. Mr. Light feels that \$20 area was a good area for non residents. Mrs. Kutz stated we are just charging what Spring Township charges its people. Mr. Light stated we don't live in Spring Township. He feels we shouldn't penalize a child for coming to a playground. A discussion ensued. Mr. Butkus made a motion to charge non residents \$60 per child; seconded by Mrs. Kutz. Mr. Schmidt questioned how is this going to be enforced. Mrs. Kutz stated she will sit down at the playground when they bring their registration forms. The playground leaders will not be responsible for the collection. Ms. Sloan stated \$60 per kid up to a maximum of two (2) kids. Mr. Butkus stated no, this is per child. Mr. Light asked for a roll call vote. AYES – 5, NAYS – 2 (Mr. Light and Ms. Sloan); motion carried. Mrs. Shade stated she is sure we will get calls from people questioning what if the children want to come and play on the equipment and not take part in the playground activities. It was decided they would have to come after playground hours. Mrs. Kutz said it would be about \$1.00 a day.

The next issue was the baseball game and the authorization of this bill. A very heated

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discussion occurred regarding a few issues. Mr. Butkus questioned since Council did not approve the baseball check. Mrs. Shade stated she had gone to the Rec Board and got their okay. This is our third year doing this and we never came before Council for this in the past, she did not realize we should be doing this. Mrs. Shade said that perhaps we could ask people to pay for the tickets to help defray the cost. Mr. Wenrich stated we could ask people to pay in full or say \$10 to defray the cost. We have 100 tickets on order. The tickets are \$28.00 a piece. It is on the third base side. Mr. Schmidt made a motion to charge the people half price for the tickets. There was no second so the motion failed. Mr. Fitzpatrick will call the Reading Phillies and try to get a refund. Another brief discussion ensued. Ms. Sloan questioned what is the procedure of purchasing items? She questioned if it is anything over \$1,000 must come before Council. Mr. Fitzpatrick stated we have been paying reoccurring bills prior to getting approval of Council and then Council approves at the subsequent meeting. Mrs. Shade apologized for the paying of that bill. She stated since it was done two (2) years in the past, and the Rec Board did approve it and it came out of their budget, she paid it. Ms. Sloan questioned if there was a State law that lays this out. Mr. Fitzpatrick stated there is no State law. He continued every municipality pays bills in advance and then get subsequent approval.

The next item on the agenda was the sewer plant upgrade/financing. The Sewer Committee has met and they are ready to advertise for bids. Mr. Schlott stated that with the assistance of Mrs. Shade, we have applied for the H2O Grant as well as a PENNVEST Grant/Loan. Both were submitted on time. He hand delivered the H2O Grant. The H2O Grant is mid April and the PENNVEST meeting is in May. At this point, it is ARRO's recommendation for moving forward with the project. This means advertising and soliciting bids. Bids can be opened mid April. We can hold those bids open for 60 to 120 days as we wait for funding approval. The catch phrase is "shovel ready." They would like to start advertising on March 2nd. In addition, there would be a pre-bid meeting. It would occur on March 23th at 10:00 a.m. It would begin here and then move to the sewer plant itself; this would be a mandatory meeting. A brief discussion ensued as to when the ad should run. There will be two (2) contracts; a general contract along with an electrical contract. We shall send out invitations to bid to other contractors that they have worked with in the past. Mr. Butkus stated when Mr. Schlott did the rate study; he figured it as worst case scenario; that we did not get any grant money. It is based on 5% interest rate. There is an out clause so we can reject the bids.

The other issue was the retainer fee. This is for attending meetings, phone calls, etc. He stated this includes four (4) meetings and general communications. The cost of the retainer will be \$1,400.00. Mr. Wenrich asked Council to review the retainer and we shall vote on it at the next Council meeting. Mr. Zerr stated the \$1,400.00 is lower than we are currently paying out. It will be a savings.

Mr. Butkus stated on the recommendation of Mr. Hart the Sewer Committee is making the recommendation that we hold off on the replacement of the lamp post due to its location. There is a light on the building right next to it. We told them to cap it off and seal it.

Mr. Butkus asked Mr. Hart to explain about a phone call he received from someone at PA American Water Company in regards to the sewer plant. Before he got into this discussion he said they had notified us about a leak at the plant; it was located and repaired. Mr. Hart stated he had

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spoke to John Rothwell at PA American about his upcoming projects on Park Avenue and Commerce Street. While talking with him he asked us if we were going to do the paving project. Mr. Hart stated we weren't, due to other financial matters. We have the sewer plant upgrade. He then asked Mr. Hart if we would want to sell the plant. Mr. Hart stated he did not know. It would be everything-the plant and the lines. Mr. Hart stated he will put the word. Mr. Butkus stated they kicked it around briefly. Mr. Butkus's reaction was "you gotta be kidding." He went on to explain that whenever a private entity bought out a utility like this it means they will be trying to make a profit. It is business. This means rates will be going up and we all know the circuses we are having with PA American Water. In his opinion the citizens have more control over what is going on as it is owned by the Borough. Ms. Sloan stated it is a revenue source for us. Mr. Fitzpatrick stated it isn't actually a revenue source over and apart from the operation from the system itself. He continued the other way to consider this is to weigh the investment income that you can derive from the selling of this against the clear increase you would be experiencing if a private entity would own it. You would need to do an intense study as you would not know what the rates would be. Mr. Butkus stated you have no control over them either. It would be PUC regulated.

The next issue was the Western Berks Task Force. Ms. Sloan stated as of last Tuesday Mr. Mike Mixell was finalizing the documents. She put in some input and the solicitors had a teleconference as well. Mr. Fitzpatrick feels Council should have a workshop meeting or at least devote some time to the bylaws. A new revised copy arrived today via e-mail. He can send everyone copies. Ms. Sloan had two (2) corrections. They were voting amounts. She said they were for the functions and she will share them with Mr. Fitzpatrick. The new deadline is July 1, 2009. She stated the engine was towed to Kirbyville. If it is the engine it will cost up between \$50,000 and \$60,000 to repair. It was hoped that this merger would have occurred in January and that was the first truck they were going to retire. She does not know the condition of the other trucks but the merger at this point would have saved us money. As of noon time that day the truck had not been looked at, Mr. Zerr said. New light was shed on the subject. It was disclosed that one (1) of the other engines coming into the task force is having major plumbing problems. It would behoove us to probably look at repairing this engine. Some real hard decisions are going to have to be made between now and July 1st. At this point the mechanic said he doesn't think the bearings are burnt. We caught that before any real damage was done. A discussion ensued as to the dates. On the morning of July 1st they would like to have all the assets moved into the task force name and that company would exist. Ms. Sloan stated it will take some time to get all the paperwork completed. The goal is to adopt an Ordinance which would accept the Intermunicipal Agreement. This is by the end of March. Mr. Fitzpatrick did tell them it might not happen for us until the beginning of April. That was not a problem to them. Mr. Wenrich questioned Mr. Fitzpatrick that the \$200,000.00 would be all they need to pay. Mr. Fitzpatrick stated for the first year. Mr. Wenrich stated it is not \$200,000 plus the truck payments. Mr. Fitzpatrick stated no. Mr. Fitzpatrick stated Mrs. Shade raised this very question and he discussed it with the task force. He stated their accountant included all the debt that each municipality had on their specific vehicles. They would assume the debt. Ms. Sloan explained that the newly formed fire company will assume the debt however say our loan was with Susquehanna Bank, they (Susquehanna Bank) will not come to us and rip up that loan paper. So in effect, we will be standing behind it but the reality of us paying won't happen. Mr. Wenrich questioned if this will hurt our line of credit or is it the task

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forces name. Ms. Sloan stated it will be in the task forces name. Mr. Zerr questioned what happens if they default? They discussed how many debts there are. Mrs. Shade stated we paid one of the loans this past year so we currently have two (2) loans now. Mr. Wenrich stated March workshop meeting should be devoted to this issue. Ms. Sloan stated the task force will be absorbing the most debt from Sinking Spring. We have more debt than any other municipality. Mr. Wenrich stated who else has a ladder truck. That piece of equipment is a million dollars. Ms. Sloan stated she is only stating that for the financial aspect. Mr. Zerr said this will not get the debt off the books. Not if we are saying that they are paying the loan but we are still liable for it. Mr. Butkus said this will need to be addressed. He continued if they don't take the debt that debt will count toward what we can borrow in the future. Ms. Sloan has two (2) questions. She asked Mr. Fitzpatrick if we needed to hold to that end of March date or beginning of April deadline. Mr. Fitzpatrick stated if July 1st is the date then yes it is. Another issue is at least two (2) municipalities are going forward with or without us. How would that leave us, she questioned. What kind of coverage will they supply us? Are they obligated to help us on calls? Where does that leave us? Mr. Wenrich stated Mutual Aid is at the discretion of the companies. If that would happen, he hopes that Mutual Aid would happen. Mr. Wenrich wondered how much it would cost to put one, two, or three paid fire drivers on at our station. Ms. Sloan stated she just threw that out. Mr. Wenrich stated he is leaning toward the task force but until someone can answer the questions of who is going to carry the debt and is it going to come on our books. Another question is the \$200,000.00 is that all we need/no paying anything extra. Ms. Sloan stated she believes that is correct but she will get it clarified. Mr. Zerr thought the current budget that they are working with is going to be locked in for five (5) years. He said that was what was said. He asked Mr. Schmidt if that was what was said. Mr. Schmidt, Ms. Sloan, and Mr. Wenrich stated it was a staggered budget over five (5) years. They were reduced. Mr. Schmidt stated the first year did come back drastically lower and that it was based on a five (5) year projection. Mr. Zerr stated each municipality could probably hire paid staffing at a cheaper rate than what the task force will be able to. It is a proven fact that in numbers the cost is reduced. They are talking about hiring four (4) within the first year. He says that you can't tell him that they can do that at the cost they are talking about. He needs that clarified. Mr. Wenrich stated Cumru did that. They have them on has fire drivers however they are employees of the Township. They are getting Township benefits; if you have a smaller group trying to get medical coverage that is going to be higher. We need to know what our costs are going to be and will it fit. Mr. Zerr stated Cumru's paid fire fighters are not allowed to go to Gouglersville or Grill because there are bars attached to those two (2) companies. They do not want the perception that the guys are hanging out in the bars. They can go to calls but not to the station. Mr. Zerr is under the understanding that they are going to be doing that here too. No fire fighters will be stationed at Sinking Spring or Fritztown due to the attached bars. He wants that clarified. Mr. Butkus wondered if it would be possible for the first few years to sublet the drivers from the municipality so they could be official employees of that municipality. Ms. Sloan stated this was talked about early on. Mr. Fitzpatrick stated it has not been discussed recently and it certainly is not what the proposal states. Ms. Sloan stated they took the drivers out in year one (1) to bring down the costs. A brief discussion ensued on this. Mr. Wenrich stated if you have any questions, comments, or concerns to get them to Mr. Fitzpatrick as they will be looking toward him for answers. Mr. Fitzpatrick will get the latest copy and get it to them.

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The Easter Egg Hunt will be Saturday, April 4th at the fire company. It will begin at 10:00 a.m. and it is rain or shine.

Bulk cleanup is Wednesday April 15th. Mr. Butkus gave Mrs. Shade information from the County regarding paints, etc.

Mr. Schmidt questioned if we are having the parade and if we are going to have balloons to which the answer was yes. Mr. Schmidt stated we will need to work with the sewer plant people on the truck. Mrs. Shade stated it has been done already. Mrs. Shade asked the Mayor if he would consider being the Grand Marshal for the parade this year. The Mayor stated he will. The parade is Monday, May 25th and steps off is at 10:00 a.m.

Mr. Ludgate stated he sent Mrs. Shade an e-mail explaining that the LUPTAP Grant needs an execution of the contract and the acceptance of the grant. The Mayor needed to sign it not the President. This grant is for the Revitalization Project.

Mr. Ken Pick of the Berks County Community Development has offered to attend the meeting on March 5th to address Council about their function and their potential financing arrangements. He is the Director. Mr. Ludgate asked Council if can appear to which Mr. Wenrich stated he could and to coordinate it through the Borough Secretary.

Mr. Butkus requested a meeting with Mr. Mike Setley before we actually borrow the money for the sewer project. Mr. Setley would be doing the financing for revitalization and the sewer plant as well. A discussion ensued as to changing meeting dates and who and what should be discussed at those meetings. It was decided to see what we can hammer out at the regular meeting and if need be set up another meeting.

Mr. Butkus questioned with people paying with credit cards. What account does the money get placed into? Mrs. Shade stated the sewer account. Mr. Butkus stated he was just wondering if say someone wanted to pay a parking ticket is a log going to be kept. Mrs. Shade stated that we have the ability of keying into the machine itself what account the money should go into. Mrs. Shade stated at this point in time we need a dedicated line so a new one will be installed.

Mr. Zerr stated last month we went over a bunch of rules and regulations about people being in the office area. However it has not taken affect for some people so he feels some clarification is necessary. Mr. Zerr stated at Mr. Wenrich's request he met with some people about security at the Borough Hall. The Chief and some others at the meeting came up with ideas. He would like to go over it. As far Borough Hall security goes no Borough Council person will have keys to the Borough Hall. If an alarm comes into the Borough Hall the police will handle it. If a fire alarm comes in the fire department can handle it. They will enter through the knox box. Police will be here also as they respond to all fire calls so therefore they feel there is no need for any Borough Council person to have access to the Borough Hall (office area). The only person on Council that would have access to the office area would be Mr. Schmidt. He is carrying the key for Dorothy who is the tax collector who comes in one (1) night a week and Saturday. If a Council person needs to be contacted because the police can't handle the situation, they will contact the Mayor who will

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contact a Council person of his choice to handle the situation. If a Council person needs to have an evening meeting, they should contact Mr. Hart and he will give them a key to the double doors in the Council room. They can have their meeting there without access to any other area. This goes along with the new record keeping procedure. The other issue has to do with people being in here all the time. He feels again a clarification is needed. This will need to be voted on that evening. Ms. Sloan questioned who was at the meeting. Mr. Zerr, Mr. Schmidt, the Chief, the Mayor, Mr. Hart and Mrs. Shade were at the meeting. Mr. Wenrich stated he requested this meeting. He went on to say that everyone should have gotten his e-mail clarifying and outlining that Mrs. Shade is the official keeper of the records. A few weeks ago papers went missing out of the front office. He has spoken to Mr. Fitzpatrick and that is why the e-mail went out. He stated back in September that the duties of Councilmen are not to be managers. Duties of Councilmen are to approve bills, approve expenditures and to approve projects not the day to day activities. Like it or not the e-mail went out at Mr. Fitzpatrick's approval. Mr. Fitzpatrick stated that the President has the right to establish policies of the operations of the Borough. Mr. Wenrich did ask for the admin director and the public safety director to meet. We need to have a procedure in place for the keeping of the records. If you need to have a committee meeting, please check with the Borough Secretary to make sure the room is available. In addition, if anyone has questions for the PWD, check his schedule and see if he is available. Mr. Wenrich stated the days of anyone walking in through the front and hanging out are gone; whether you like it or not, we must follow procedure. Papers have been missing a few times over the last few years. He is tired of hearing it and he is going to put an end to it. Mr. Zerr questioned if this goes into effect tonight was the Chief ready to take over those duties first thing Monday morning to which the Chief stated he was. Ms. Sloan questioned legally to PA Law or Borough Official's Law as long as we have access to this building we are in compliance. Mr. Fitzpatrick stated every Councilperson has access to this Borough building for Borough business. However the fine line of what is Borough business and what is not is a fine line apparently he stated. We have administrative personnel that must complete their jobs back there and if they are constantly interrupted or having people dropping in who have no business with the admin staff, they are not going to get their job done. He went on to say; when you need to concentrate on something and you are being interrupted it is hard to get back to it. In addition, you become disorganized. This is the reason he and Mr. Fitzpatrick spoke about it. No one wants to deny access to this building to anyone who is conducting Borough business. That is not the purpose of this. It is when this becomes more of a social event then a business event. Mr. Light questioned if you can still come into the Council Chambers? Mr. Fitzpatrick stated to conduct business to which Mr. Light responded yes. Mr. Fitzpatrick said as long as you are conducting business. Mr. Butkus stated pending his availability. Mr. Zerr made a motion as of Monday, March 2, 2009 no Councilperson will have a key to the Borough Hall office area with the exception of Mr. Schmidt who needs a key for the tax collector; any alarm calls will be handle by the police and fire departments; there is no need for any Councilperson to be here; however if a Councilperson is needed the police department will contact the Mayor and the Mayor will get in touch himself or direct the police officer to get in touch with a Councilperson; all codes will be removed from the alarm system if this is approved as of Monday morning; if Council needs access to the building for an evening meeting a key will be provided through Mr. Hart which will give them access to Council Chambers as well as the executive room only; seconded by Mrs. Kutz. Mr. Light questioned if these rules apply to all seven (7) members going into the office. Mr. Wenrich said yes. AYES – 7, NAYS – 0; motion carried. Mr. Zerr stated all members of Council must turn their keys in with the exception of the Mayor as

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well. Mr. Zerr stated again if anyone needs a key just get in touch with Mr. Hart. Ms. Sloan spoke to the Library however at this time they don't want the credit card machine. Mr. Zerr stated that Mr. Hart brought up a very good question. Mr. Hart will give you the key but it must be given back. We are not issuing keys to the building. Mr. Wenrich stated a phone call, e-mail, Nextel you can get a hold of either the Borough Secretary or the Public Works Director.

Mr. Zerr made a motion to offer a vote of confidence to our Council President; seconded by Mrs. Kutz. Mr. Fitzpatrick stated it probably does not mean that much as he is in as President until someone wants him removed. Mr. Wenrich stated it does mean a lot to mean personally. Mr. Wenrich asked for a roll call vote. AYES – 6, NAYS – 1 (Mr. Light); motion carried. Mr. Wenrich stated the only reason he asked for this is because the past few weeks have been trying at best. He continued by receiving the vote of confidence from Council he will continue to do what he feels is right for the Borough. Mrs. Kutz feels he is doing a great job. Ms. Sloan stated that she has called Mr. Wenrich a number of times this past year; she does not call often but when she does call it is important. She continued with all due respect to Mrs. Shade she is great at getting the word out; she realizes that Mr. Wenrich is busy however she would really appreciate a call back. Mr. Wenrich gave her his word. He continued he might not get back right away but he will get back to you. Ms. Sloan feels everyone should shake hands and just try to get along. She continued everyone is trying to do a good job for Sinking Spring and we should just try moving ahead together for Sinking Spring. Mr. Wenrich stated being a Councilperson is not about an ego trip or being in control this is what people need to realize. No one Councilperson has more control than another. We have Mr. Hart, Mrs. Shade, the Chief, who we pay a nice salary to; we have charged them with doing a job. They were placed there by Council and this Council is made up of seven (7) people.

Mr. Butkus reminded the public that four (4) Council seats are open, along with the Mayor, and the tax collector positions are up for election.

ADJOURNMENT:

Mrs. Kutz made a motion to adjourn at 9:43 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer