

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, February 3, 2011 at 7: 02 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
Gary Cirulli
James Pachulo
Denise Stine (absent)

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.

Mrs. Shade stated that due to the inclement weather the day before Mrs. Stine was at her employer's meeting. She was going to try and make it after their meeting had concluded.

APPROVAL OF MINUTES:

Ms. Sloan made a motion to approve the meeting minutes from 1/6/11; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT - 1(Mrs. Stine.); motion carried.

VISITORS:

Mr. James Adams addressed Council on what was happening with the Revitalization Committee. Mr. Adams stated the master plan assignment has been given to Cauder and Kelly. They invited everyone to the February 9, 2011 meeting at the Borough Hall to discuss the process he will be using to start the process down there. The meeting is at 6:30 p.m. They would like the input. He is an urban planner and he did the West Reading project as well as the one in Phoenixville. Berks County Living will be doing a story on the Revitalization Project; this should be happening within two (2) or three (3) months. Mr. Ludgate met with Ms. Stephanie Wagner regarding the student project. Mr. Ludgate stated Ms. Wagner teaches a senior class in business. She does marketing. She contacted Mr. Ludgate and there was follow up in regards to the project. She would like her students to do a project that will help our program. Mr. Ludgate made a brief presentation to her class that past Monday and she is going to set up a program and basically do a market study to try and help us recruit downtown businesses. Ms. Sloan questioned if they will get credit for that to which Mr. Ludgate said yes. She was very excited to do this. Mr. Pachulo questioned if this is something that would continue on after this group of seniors' graduates. Mr. Ludgate stated it could happen. Currently, she was very excited to hear about the project; to learn what we would like to see happen. Mr. Ludgate suggested she meet with Mr. Sam Loth as well. Mr. Loth has some information from prior municipalities that had done a similar type thing. Mr. Adams stated Mr. David Meas has agreed to initiate the forming of a business district; a business group and we should be hearing about that. They would become involved with the planter project

VISITORS (cont'd):

as well, which we have a matching grant for. Mr. Adams said Five Guys and Fries are saying they will be opening in February however he is not sure that will be happening. Verizon is open. The Dollar General says February; Manpower says February as well as Little Ceasers and Tonya's Nails. There will also be a Chinese Restaurant opening in February as well. The name of the business is QQ Asia. Mr. Adams stated McDonald's will be rebuilding in 2012. They will be knocking down the current location and rebuilding. Under contract is the white apartment building. Tenants have been given notice that it is to be vacated. They will be demolishing the white building. Mr. Adams explained what they would like to do. Mr. Adams wanted to see more Council people at the Revitalization meetings. He stated things are going to start happening at an accelerated pace. Mr. Adams also stated Mr. Hughes of McDonald's is offering to allow the Borough to put up signage and/or an event board welcoming people into the revitalized area of Sinking Spring.

Mr. Jamie Schlesinger and Mr. Douglass Rauch from Concord Financial were next to address Council. They were ask to go out and obtain a three (3) year, fixed rate, drawdown loan to allow the Borough to move forward with a new street project, Mr. Schlesinger stated. An RFP was put together with the help of Mrs. Shade and he feels we did really well with the responses we received. They received eight (8) proposals. They recommended Susquehanna Bank. It is 2.69% for three (3) years. They will let you draw for the three (3) year period. The interest will be paid semi annually. He explained how it will work. Ms. Sloan questioned Mr. Ludgate if we don't get the grant then we won't use the money. Mr. Ludgate said the safety enhancement grant is what we are talking about. We have applied for roughly \$300,000.00 for construction. It is 100% construction funded. What the Borough must pay for is the engineering and administrative costs. The Borough's amount will be pretty well covered by already budgeted work. Mr. Ludgate stated we won't need to touch this money for that particular grant. A brief discussion ensued on where grant money might be used. Mr. Mooney stressed that if we don't draw down on the line of credit we will have nothing to repay. We will only have to pay the legal and other fees. Mr. Schlesinger said if we use nothing on the line of credit we will still have to pay \$28,000 which is the legal and other fees. Mr. Schlesinger stated we got a real good deal on the interest rate along with the terms. Mr. Rauch was next to address the Council on the Ordinance. Susquehanna Bank's proposal does not have any prepay penalty. It is a fixed rate loan. They are not looking for a depository relationship. He too feels it is a good proposal. The Borough must enact an Ordinance if they are looking to borrow money. He explained what the Ordinance does. Mr. Mooney has reviewed the Ordinance. Mr. Mooney stated when you pass the Ordinance you are not actually closing on the loan at that point. It will close the first week of March at the latest. Ms. Sloan questioned what the purpose of having the note without coupons is; how does that benefit the Borough "has with coupons"? Mr. Rauch stated the coupon is like a holdover; he is not sure they have bonds or loans with coupons anymore. He explained how the bonds worked with coupons. Mr. Butkus asked if there was anywhere in the Ordinance that states Council must approve on drawing down on that loan or is that just a procedural thing that must be done? Mr. Rauch stated the purpose that this was put into place was defined as the road improvements and that type of thing. You can't use the money for what it is not authorized for. You would need to do a "Change of Purpose Ordinance" if you wanted to do that. Mr. Pachuillo asked if a grant application is put in and we need to match it, and it comes to Council and they approve it, does Mr. Wenrich contact Susquehanna Bank for them to release the funds? Mr. Rauch said they will mostly likely wire it into your account. They have it

VISITORS (cont'd):

set up so that a telephone call is just needed after Council approves it. He believes that Mrs. Shade could do that after Council approves it. It might be faxed; he said this is the Borough's decision. Mr. Pachuillo thinks this would ease Mr. Butkus' mind that this money is being used properly. Mr. Butkus made a motion to have the resolution portion added to the note payment that we sign; seconded by Mr. Oswald. A discussion ensued as to what would be in this resolution. Mr. Mooney explained about the draft down resolution and what would be in it. AYES – 6, NAYS – 0; ABSENT – 1; motion carried. Mr. Rauch referred Council to the part where it states that authorization from Council is needed. Mr. Oswald made a motion to adopt the Ordinance; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

APPROVAL OF BILLS:

Mr. Oswald made a motion to pay the bills; seconded by Mr. Cirulli. AYES – 6, NAYS – 0, ABSENT - 1; motion carried.

COMMUNICATIONS:

Mrs. Shade read a letter from Mrs. Barbara Glembocki, 4230 Penn Avenue in Sinking Spring regarding a parking citation she received after one (1) of the snowstorms. She questioned the "law" about moving your cars after the snowstorm to odd and even sides of the streets. Both letters will be attached and become part of the permanent record. Mr. Oswald questioned if this was during a snow emergency. Mr. Oswald questioned if that is why she got the ticket? Mr. Cirulli questioned if she gets the newsletter; he believes it is in the newsletter. Mr. Butkus stated we can't plow the alleys. The Borough does not plow any alleys, Mr. Butkus stated. If we plow one (1) then we would need to plow them all. Mr. Oswald was just trying to gather the facts, he said. Chief Oxenreider said the Ordinance reads if it snows 2 inches or more you must move your vehicle from the odd side of the road at the time of the snow; the next morning at 8:00 a.m. the even side moves their vehicles. Mr. Oswald said talking to his neighbors they too never knew this was in effect. Ms. Sloan said this has been in effect for a long time. Mr. Oswald said that was neither here nor there most residents never heard of that. Mr. Pachuillo said we have a lot of Ordinances some that are enforced; some that are not enforced as heavily. He did look at the website and it was on there and it was in the newsletter. He feels this is an unfortunate situation however many were given the citations not just her. A brief discussion ensued. Ms. Sloan said the bottom line is this woman is 73 years old and a widow does Council want to give her a break and if we do how does that look to others? She feels that we should give everyone a break then. Mr. Oswald said they could give warnings. Chief Oxenreider said last year we had a major problem with people moving their cars. He went door to door on Michigan, Maria, Sioux Court, Oneida, etc. and many, many others. He put a copy of the Ordinance in their doors. He feels pretty much everybody got notification. Mr. Cirulli said what we need to do is cite and tow. Once they get the first tow they will understand they can't park their car there anymore. PENNDOT did call us and they wanted the Borough to tow cars off the emergency routes to which the Chief stated he didn't do that. He doesn't think that is fair. Mr. Pachuillo stated the long and short of it, people have been notified many times. He said just in the short time he has lived in the Borough he has seen it. Mr. Butkus questioned who did she talk to in the office? Mr. Butkus said that question should have been referred back to the police department. Mrs. Shade stated she believed she did talk to someone in the police department not

COMMUNICATIONS (cont'd):

the Borough office. Mr. Butkus said she talked to a male office afterwards but he wanted to know who she talked to in the first place. Mrs. Shade stated she was fairly confident no one in the office told her that as they discussed it in the office that day. Those types of questions are given to Mr. Hart or back to the police. Ms. Sloan feels sorry for the woman however she will need to pay the ticket. Mayor Butkus said in response to Mr. Cirulli's comment about towing, this is what Mr. Butkus was referring to. It points to specific towers and they are no longer around. This needs to be revised. Mr. Wenrich suggested Mrs. Shade write a letter to Mrs. Glembocki stating her letter was read at the meeting and they are sorry for the inconvenience but at this point nothing can be done. Ms. Sloan stated perhaps include a copy of the Ordinance and ask her to share it with her neighbors. Mr. Cirulli asked if it was on the website to which the answer was yes. While he understands not all residents have computers they do get newsletters.

Mr. Wenrich had a letter from the Keystone Municipal Trust Company. The Borough needs to appoint a Safety Coordinator. He explained what was in the letter and what this person will do. Mr. Butkus stated this is what we always called the safety officer. The one person who walks around and makes sure the medicine cabinets is filled. Mrs. Shade stated she has no idea because we never had a position like this before. Mr. Wenrich feels Mrs. Shade or Mr. Hart should be appointed to this unless someone from Council wishes to do it. These are the two (2) main people that are here while the others are working or what have you, Mr. Wenrich said. Mr. Mooney reviewed it and feels that this would be what Mrs. Shade does already. He said she is probably doing this already. Mr. Butkus made a motion to appoint Mrs. Shade to appoint her as the Safety Coordinator; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

EXECUTIVE SESSION:

Mr. Wenrich requested an executive session at 7:50 p.m. for personnel matters.

RECONVENE:

Council reconvened at 8:55 p.m. Mr. Cirulli made a motion to authorize the Borough Secretary to contact Mr. David Goss and Reinsel Kuntz Leshner to begin the process of performing a forensic audit on the payroll procedures of the Borough Police Department. They must first submit proposals; seconded by Mr. Pachuillo. Mr. Wenrich requested a roll call vote. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Wenrich read a response from Mrs. Stine agreeing with the forensic audit however Mr. Mooney stated that even though Mrs. Stine did send a response, it cannot be counted toward the roll call vote.

WESTERN BERKS FIRE DEPARTMENT:

There was no representative at the meeting due to the accident on Mt. Home Road which created a power outage as well.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the report for January, 2011. They have maintained the flow under a

MILLER ENVIRONMENTAL (cont'd):

half a million gallons a day. The loading data was all in line and there was nothing unusual. They fabricated and installed an air deflector in the screen building dumpster room. The snowplow motor was replaced by Stork Automotive on January 18, 2011. LRM replaced the hydrogen sulfide sensor in the headworks building. Mr. Juzyk notified the Borough of a problem with the snow thrower which is about 20 years old. The starter must be removed and a pin manually reset each time it is started. The quote for the new starter is \$80.00. They are hoping to limp through the remainder of the season and get a new snow thrower placed on the 2012 budget. He has been working with ARRO and JDH and that day he received the application for Food Lion. He reviewed the draft permit for Little Caesar's and responded to ARRO with comments. He returned back to them for issuance of the final permit. He issued permit applications to Five Guys and QQ Asia electronically. The owner of Rita's Italian Ice was reached via e-mail. The permits and delinquent invoice were improperly filed at the end of their season. The owner is in the process of resolving both matters. Mr. Juzyk along with Mr. Schlott met with the wife of the owner of the Wonderful Chinese Restaurant to discuss having him sign the permit, permit renewal, and their obligation with respect to discharge monitoring. They seem to be on track there. The waste activated sludge pump number one seals are failing. The quote for replacement of bearings, oil, seals, packing, and gaskets is basically \$5,400.00. Any additional repairs found to be necessary would be extra. Mr. Butkus stated this was part of the general maintenance numbers for budgeting purposes. Mr. Juzyk stated this item was not included. He had originally included replacing that pump; however that was one (1) of the items that was cut from the budget. Mr. Wenrich stated if it is leaking we got to repair it. Mr. Juzyk said we have water in the gearbox. Mr. Butkus agreed. Mr. Butkus stated there is a certain amount of money budgeted for general repairs out at the plant. Mr. Pachulo said it was discussed at budget time if something breaks it must be fixed. Mr. Juzyk said part of the question is do we want to proceed with this repair and keep our fingers crossed this is the only item that is required or would you like to get quotes for replacing the pump altogether as we did with the other pump. Mr. Butkus asked Mr. Juzyk to refresh his memory on how much the other pump cost. Mr. Juzyk believed it was \$16,000 or \$17,000 plus installation and removal of the existing unit. Mr. Butkus' personal suggestion is that we take it out, look at it, and once they crack into see what it would cost. Ms. Sloan wants quotes. Mr. Wenrich agreed but if it is a minimal expense we repair it as opposed to spending \$18,000 to get a new one. Ms. Sloan questioned if we should get quotes at the same time. Mr. Wenrich said the repairs must be done. Ms. Sloan asked if the repairs are worth getting. Mr. Wenrich does suggest we get quotes because not necessarily this fiscal year but possibly next year we can replace it. This repair could buy us some time. Mr. Butkus made a motion to direct Mr. Juzyk to take the pump out of service and send it to the place where they are going to be doing the seals but before they do the work give us a call so we know what the rough price is going to be because if it is totally shot we will need to replace it otherwise they can do the minor stuff; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The gutter on the garage has been bent by ice and is pulling away from the building. Mr. Juzyk obtained quotes for the replacement of that gutter and two (2) down spouts. The low quote is from The Gutter Guys for \$765.00 which he can handle out of the Miller portion of the maintenance. Ms. Sloan questioned if they are doing any preventative maintenance like knocking ice off. She does understand it has been a very hard winter but she hopes they were doing the maintenance. Mr. Juzyk stated most of the damage was from last year's ice. This year's ice just made it worse. Mr. Wenrich suggested if we get this replaced that heat tape or electric units that fit in the gutter be installed. Mr. Butkus suggested a salt type ingredient could be added too. Mr. Juzyk stated the

MILLER ENVIRONMENTAL (cont'd):

monthly expense summary for the year which is only one (1) month is \$888.00. Mr. Mooney questioned if Mr. Juzyk was looking for authorization to replace the gutters. Mr. Juzyk said he can handle it other the regular maintenance budget so he wouldn't need it. He was just informing Council. Mr. Wenrich requested Mr. Juzyk to check into the heat tape also. Mr. Butkus said the flows are all within normal range. Mr. Juzyk said we have had no big spikes.

REVITALIZATION PROJECT:

Mr. Ludgate stated Mr. Adams had given their report earlier.

UNFINISHED BUSINESS:

The first item under unfinished business is the telephone system for \$1,054.00. Mrs. Shade said the system is back up and running. Council gave their approval however we must ratify it at the meeting. Mr. Pachuillo made a motion to authorize the payment of \$1,054.00 to repair the phone system; seconded by Mr. Cirulli. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

The next item was Officer Moyer's reimbursement of wages totaling \$854.24. Mr. Mooney and Chief Oxenreider have not had a chance to discuss this. This item was tabled till the next meeting. This was whether the time he was out should that time go toward his probationary period.

Police vehicle repair for \$1,700.00 was the next item. Mr. Butkus made a motion to ratify that payment for the Ford Explorer; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

NEW BUSINESS:

Mr. Mooney was looking for authorization to revise the Borough's EIT Ordinance to comply with Act 32 for 2012. We received correspondence from the TCC that all EIT Ordinances in the County will need revision so that it jives with Act 32 when it comes into full play. It comes into full play in 2012. They suggest that we do it sometime in November however Mr. Mooney would like us to do it now so when it comes time in November and we have budget talks going on it is one (1) less thing we needed to think about. Mr. Butkus questioned what the highlights are. Mr. Mooney said the definition of certain incomes have changed with Act 32. Our definitions represent the current Act; those need to be changed and collector needs to be changed as we are all going to the same collector. Mr. Butkus made a motion to authorize Mr. Mooney to move ahead with revising the Ordinance; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Mooney said our Lock Box Ordinance needs to be revised as well. It refers to a fire department that is no longer in existence. Mr. Butkus made a motion to update the Lock Box Ordinance; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Mooney stated we have a settlement agreement with South Heidelberg Township regarding the amount they owe to us for the first quarter of last year. It is roughly \$3,000.00.

NEW BUSINESS (cont'd):

Mr. Mooney stated that Mr. Schlott went over the numbers a few months ago. The agreement states they will pay us the \$3,000.00 and we won't go after them seeking any other monies associated with the first quarter of last year. Mr. Schlott stated they still owe us \$3,145.00. That was what was agreed upon. Mr. Butkus made a motion to authorize the execution of the agreement; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Spring clean up is Wednesday, April 13, 2011.

POLICE CHIEF – JAMES OXENREIDER:

Police Chief Oxenreider stated they had 170 calls for the month of January. They issued 9 traffic tickets, 49 parking tickets, and 5 warning notices. The Explorer is back in service and running good. Mr. Wenrich stated when the Explorer went down and the estimates were rolling in on what the repairs might cost, he along with the rest of Council were weighing would it be worth it. He stated we do use it but was the cost of the repairs worth putting the money into it. Chief Oxenreider questioned if Council has decided on the new vehicle. Mr. Pachuillo said it was in the budget but we do need to decide what we are going to be doing. Mayor Butkus said we might have a difficult time in getting a 2010 because we are halfway through the 2011 model year right now. Mr. Pachuillo stated we will have to cross that bridge when we get to it. Mr. Cirulli said if this is under the State Contract you won't see that big of a change in a 2011. Council will need to make a decision on whether to lease or buy. Mr. Cirulli stated he does know what it is like to drive a Crown Vic in the snow as he has one for the County and it is rough. Mr. Wenrich stated this has nothing to do with the police department however Council needs to do their "due diligence". Mayor Butkus would like to see us get chains for the four wheel drive. He thinks we should have them. He feels Council should direct the Chief to get a set of chains for the Explorer. The Chief did get prices for chains from Auto Zone. It is \$120.00 for the Explorer and for the Dodge is about \$60.00. Mr. Butkus made a motion not to expend over \$250.00 for chains for the Explorer and the Dodge; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

COUNCILMAN JAMES PACHUILO:

Mr. Pachuillo stated he would like the finance committee (Mrs. Stine, and Mr. Butkus) to meet early the following week for a quick meeting. He has some ideas and would like to float them by the committee. The following Friday morning, Mr. Michael Setley of Concord Financial is meeting with Mr. Pachuillo and Mrs. Shade to go over some financing options for the future. He wants the finance committee to come up with some options and they can be presented to Mr. Setley for his thoughts. This would be for capital projects in the future. It is February 11, 2011 at 9:30 a.m.

COUNCILMAN EDWARD OSWALD:

Mr. Oswald stated our Facebook page is up and running and we have had 33 people like us so far. He suggested everyone to go out and like us and promote it to the community. He has some other ideas for using the internet to promote the Borough.

COUNCILMAN – GEORGE BUTKUS:

Mr. Butkus reminded everyone this is a municipal election year. Ballot petitions are now available but you can't start circulating them till the 14th or 15th. That is how you can get on the ballot to run.

SEWER ENGINEER – DAVID SCHLOTT, JR. – ARRO CONSULTING:

Mr. Schlott stated The Maguire Group did a construction project controls review on January 13, 2011. Based on the verbal comments given it appears everything was okay. He is going to generate a letter in draft form to PENNVEST and then ultimately the Borough will receive a copy of that letter. Again, Mr. Schlott does not feel we should hear of any problems. He asked Mrs. Shade her thoughts to which she had the same impression. The interest and principal payments for PENNVEST will be beginning shortly. Mr. Schlott stated in prior years they have prepared "as built" for the plant based on the mark ups from the contractors, he asked Council if they wanted that. That would give a set of plans that are up to date. Mr. Butkus asked for a ballpark price to include in the motion. Mr. Schlott stated he did not know off the top of his head. Ms. Sloan felt we should have a cost. Mr. Butkus wanted him to get a ballpark cost but he wants it done so we are not shifting through eight (8) different sets of plans trying to figure out where a valve is. Mr. Schlott stated if he was to give a number it would probably be under \$10,000.00. Mr. Schlott is working on the Chapter 94 Report and he sent out the questionnaires. He received one back and he will start pestering the others. Mr. Schlott stated he is also working on a PPC Plan (Preparedness, Prevention, and Contingency Plan).

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Wenrich asked Mr. Hart where he was in the budget in regards to snow removal. Mr. Hart said he believes we are still under budget but just barely. Mr. Cirulli asked how much salt we have left. Mr. Hart stated we just got some however he is having a difficult time getting it. The last two storms he rationed it back a bit. They were only salting intersections and hills. He bought two (2) truckloads of anti skid material to mix with the salt to make it go further. Mr. Butkus said in the past he knows we used brine would that be advantageous for us to do that again to help stretch the salt. Mr. Cirulli said you need to get that down before hand. Mr. Hart said we don't have an applicator to apply it. Ms. Sloan asked if we are using cinders to which Mr. Hart said no. He used it this time just to get something down but it doesn't really do anything. It doesn't melt it. When it first lies on the ice you will have some traction but once it ices over you get nothing. Mr. Oswald said ice is just the worst. Mr. Wenrich stated they did a great job with the ice the other night. A brief discussion ensued.

BOROUGH ENGINEER – ROBERT LUDGATE, SR.:

Mr. Ludgate stated the Borough received a call about releasing the Brookfield Manor's escrow release. Mr. Ludgate asked Mrs. Shade if that was resolved to which Mrs. Shade stated she didn't believe so. She stated the gentleman from the bank was going to be calling Mr. Mooney. Mr. Mooney said he didn't receive a call. Mrs. Shade stated it isn't due yet according to her records however he wanted to know if the Borough wanted to release it to him. Mr. Mooney said if it isn't complete how does he expect he is going to get it released? Mrs. Shade said the project is complete

BOROUGH ENGINEER – ROBERT LUDGATE, SR. (cont'd):

but she thinks the time ends in August, 2011. Mr. Mooney said if the project is complete we can release however do we need a maintenance agreement? Mr. Mooney questioned if they have any improvements that are being turned over to us to which Mr. Ludgate said yes. So we need a maintenance agreement or a bond for the 18 months. Mr. Ludgate stated this maintenance agreement goes back several years and he is not sure he has even seen it. Mrs. Shade said she has never seen it. The improvements were completed in 2009, Mr. Ludgate said. We took the streets in fall of 2009. We are running pretty close to the 18 months now. Mr. Mooney stated if Mr. Ludgate is satisfied; Mr. Ludgate stated he was satisfied however there were some issues on the sanitary sewer. Mr. Schlott thinks they were complete and he shall double check on this. The only open items Mr. Hart was aware of are the sidewalk and the trees and they are complete. Mr. Ludgate stated he thinks the ball is in their court. Mrs. Shade believes the letter of credit comes due in August of 2011. Mrs. Shade stated it wasn't the developer it was the bank that called. Mr. Mooney stated normally the developer calls because he wants his money. It was decided we will leave it the way it is.

C.M. High who did the traffic signal is looking for the release of their retainage. Mrs. Shade stated she received a copy of the PENNDOT letter from C.M. High not from PENNDOT directly. Mr. Ludgate released them saying the work was completed however their specifications were subject to a maintenance bond and they had to provide a copy of it and they had to provide a release of liens document. We are holding \$11,340.00. They are asking for that but we are asking for the maintenance bond and the release of liens.

The Transportation Enhancement Grant application was submitted on January 28th as was required. He had copies of the plan which he left for Council. Because Council did not have the meeting due to inclement weather, Mr. Ludgate asked the Planning Commission to approve the plan so we had some type of official plan so it could be submitted. They did that and he sent Council a memo explaining this.

We received around \$8,500.00 from the DCED. The Community Development Block Grant from the County was approved and we should be receiving that in the amount of \$19,784.00.

On February 8th we are invited along with Mr. Steve Sharp of STV to put on a presentation for the County Commissioners of our Traffic Impact Statement (the first cut). We were invited by Mr. Ken Pick. Mr. Pick would like a representative from Council to attend the meeting. Mr. Ludgate was hoping Mr. Pachuillo would be attending because Mr. Pick specifically requested someone that was knowledgeable of what has happened over the last three (3) years to answer the Commissioner's questions should they have any. Mr. Butkus made a motion to appoint Mr. Pachuillo to attend the above said meeting; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Ludgate stated that the TIS contract was written for the first cut only even though they went through the process for the entire study. They have been negotiating with them on behalf of the Borough. The scope of the work for this part of the study is about \$57,000.00. This will cover getting the official STV document because right now we have an unofficial document. We will get an officially approved TIS and we will have a 40% advancement toward the final approval of the

BOROUGH ENGINEER – ROBERT LUDGATE, SR. (cont'd):

highway occupancy permit which is the actual document we need to build streets in the plan. He is recommending this contract be signed for roughly \$57,000.00; roughly \$55,000.00 will come from County funds; the Borough would have to cover the spread which could actually come for the remainder of the JDH money. Mr. Pachuillo made a motion to authorize the signing of the STV Agreement to allow them to move forward with the next phase of the Traffic Impact Study; seconded by Mr. Cirulli. AYES -6, NAYS – 0, ABSENT – 1; motion carried. They did complete a report which Mrs. Shade has a copy of. Ludgate Engineering has put together an abridged version of the report which is about 19 pages long if Council wishes to review the findings. In addition, there is a two page report which is the executive summary and Council should have received that. They are planning to send out the summary to businesses located in our service area not just in the Borough but beyond so they can better understand the benefits of the project and lend support perhaps even financial support.

Ms. Sloan questioned if there was any update on the table at the Foodlion Shopping area. She knows that Mr. Ludgate went back to them but she was wondering if we heard anything on that. Mr. Ludgate said he sent another correspondence to them however nothing is going to happen right now because it is not the season for construction. He sent some other information to Mr. William Siler who is the JDH project manager. He sent some special markings and those types of things. He has not had a response from him saying they will do “A, B, or C”. He thinks they can improve the markings and make them more dramatic; much more visible. Mr. Ludgate feels the ball is in their court and they should respond to us and tell us what they are going to do or we can tell them to rip it up. He feels they have been amply notified and they should respond to us. Mr. Wenrich asked if anyone heard anything on Traditions. Mr. Ludgate has not heard anything. He did get an inquiry. Someone was concerned about the parallel trunk line they are to build parallel to Broad Street. This is dealing with both sanitary sewer and stormwater connections. Mr. Ludgate said nothing has crossed his desk. Mr. Butkus said last time someone spoke to them they were at least a year out in some sort of DEP paperwork. He believes we should be hearing from them later in the spring. Mr. Schlott stated around the Holidays based on plans that were submitted to ARRO, they did an informal review; not a full review but they looked over the aspects they had and that were still outstanding and they provided that via e-mail to the developer’s engineer. They have not heard anything back as of yet regarding it.

PUBLIC COMMENT:

There was no public comment.

TREASURER REPORT:General Account

Opening Balance – December 31, 2010		\$ 77,458.88
PLGIT		9,109.36
Invest	Recreation	49,625.12
	General	54,700.96
Deposits as of January 31, 2011		70,082.29
Fire Escrow		15,856.91

TREASURER REPORT (cont'd):

Transfer from Invest	100,000.00
Checks Written	98,130.63
Payroll	72,406.06
PENNVEST Auto Debit	2,576.47
Wire Transfer Fee	10.00
To Be Paid	<u>30,411.08</u>
Balance as of January 31, 2011	\$173,299.28

Sewer Account

Opening Balance – December 31, 2010	\$ 40,867.71
PLGIT	61,365.96
Invest	422,260.26
Deposits as of January 31, 2011	112,300.45
Checks Written	80,685.35
To Be Paid	<u>11,603.33</u>
Balance as of November 30, 2010	\$ 544,505.70

Mr. Pachulo made a motion to approve the Treasurer's Report; seconded by Mr. Circulli. AYES – 6, NAYS – 0, ABSENT - 1; motion carried.

Ms. Sloan stated the tabletop at Foodlion was not put in regardless of whose fault it was. We are now in February and a lot more businesses will be moving in, she requested a letter be sent to them. Mr. Mooney said that we will need to contact Mr. Kit Fegley as he was our Solicitor in that matter. Barley/Snyder had a conflict of interest so Mr. Fegley represented us. Ms. Sloan would really like to get a letter out on this before spring, no response is not acceptable, she said. Mr. Ludgate stated he will contact Mr. Fegley.

ADJOURNMENT:

Mr. Butkus made a motion to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer