

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was opened on Thursday, March 1, 2007 at 7:43 p.m., at the Sinking Spring Borough Hall, by President Lawrence Schmidt. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

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

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

Others present were: Robert Ludgate, Jr., Ludgate Engineering, David Schlott, Jr., ARRO Consulting, Michael Hart, Public Works Director, Police Chief William Ulrich and Matthew Zerr, Liberty Fire Company.

PUBLIC HEARING:

Prior to the regular meeting a public hearing was held in regards to the zoning of the Village Greens Golf Course property. The decision should be announced at the March 28, 2007 workshop meeting.

APPROVAL OF MEETING MINUTES:

Mr. Zerr made a motion to approve the minutes from the January 10, 2007 and February 1, 2007 meetings. AYES – 7, NAYS – 0; motion carried.

VISITORS:

The first visitor was Mr. John Printz. Mr. Printz questioned how much debt the Borough was in due to the Borough Hall and to the Mt. Home Road Project. Mrs. Shade stated the Borough Hall was about \$612,000.00 and Mt. Home Road was about \$600,000.00. Mr. Fitzpatrick stated it is about \$1.2. Then next question was what the Borough Hall hours were. Mrs. Shade stated 8 to 4. Mr. Printz questioned the need for a third person in the office. He stated that before the office was run by one (1) full timer and a part timer. He continued that the Borough Secretary was salaried. He thought that means she works until all the work was complete. Mr. Schmidt turned the floor over to Mr. Zerr. Mr. Zerr stated the reason we need a third person was several fold. This year's audit stated that we need to segregate some of the responsibilities. In addition, the third person will work with the Public Works Director in fielding his phone calls; finalized applications for street projects; final applications for grants both State and Federal; typing of letters and citations for code violations; computer entry of the road matrix; keep inventory of the street signs; maintain the data inventory regarding all the maintenance department equipment; helping with building permits in regards to sending them to both the school district and the County's assessment offices. Mr. Printz

VISITORS (cont'd):

feels this sounds like everything the other two (2) should be doing now. Mr. Zerr stated he was very wrong. Mr. Zerr stated they field at least fifteen (15) calls a day from people who don't even live in the Borough. They are also up and down any number of times during the day with people who want to talk about passports or whatever. Even though that might only be a few minutes at a time, it interferes with the efficiency of the staff. The other item that needs to be looked at is the other duties this person will be carrying out. Currently, no one attends the Planning Commission meetings. This person will attend those meetings so that accurate info gets back to us. They will also attend the committee meetings as well. Mr. Zerr feels the new office position is warranted. . The next issue was what the status of the former "pool property". Mr. Ludgate stated that currently the developer is still trying to obtain erosion and sedimentation approval for that site. The last communication Mr. Ludgate received contained the information that the developer's engineer has requested a letter from the Borough's engineer in regards to their opinion on stormwater infiltration in that area and that it would not be a good idea. Mr. Ludgate feels that could create sinkholes on that property. He has not heard anything after the letter was sent. Mr. Schmidt asked Mr. Ludgate when that letter was sent. Mr. Ludgate stated about a month ago. Mr. Ludgate explained what he thought the problem might be. Mr. Schmidt said it sounded like the problem was between the developer's engineer and the erosion and sedimentation people at this point in time. Mr. Ludgate explained how the sinkholes could arise back there. Mr. Printz felt we should hook it up to the \$600,000.00 pipe. Mr. Ludgate stated that is exactly what he recommended.

APPROVAL OF BILLS:

Mr. Butkus made a motion to pay all the bills along with the approval of paying the fire company bills with sewer fund money which will be reimbursed once the tax money begins to filter in; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

COMMUNICATIONS:

Mrs. Shade read a letter from Miller Environmental stating that they will be returning to the Borough the amount of \$2,777.68. This was an overage that the Borough paid to Miller for maintenance at the plant. The usual amount of maintenance paid to the Miller is \$24,000.00 in a calendar year. They will be forwarding a check to us.

MILLER ENVIRONMENTAL REPORT:

Mr. Roger Hillibush of Miller Environmental gave the monthly report for February, 2007. The January DMR 2007 was completed and sent to PA DEP during the month. There were no violations. There was one (1) exception; the fecal test for 1/9/07 was invalid due to laboratory contamination. They were not informed in time to submit another sample for the week. The bio augmentation trial began March 1, 2006. The January 2007 report was sent to the PA DEP along with the DMR. The PA DEP and EPA annual sludge reports were completed and submitted. All data for the 2006 Chapter 94 Report was turned over to ARRO Consulting during the month. The Sara Title III and Tier II Emergency Management documents for both Berks County and Pennsafe were updated and submitted during the month. The following is the wastewater flow data for the month - total monthly flow – 15,153,200 gallons, average daily flow – 541,200 gallons, maximum daily flow – 621,500 gallons, minimum daily flow – 481,300 gallons. There were no violations as

MILLER ENVIRONMENTAL REPORT (cont'd):

of February 21, 2007. We are waiting for test results from February 26 and 27, 2007. No violations are anticipated. The following percentages are each municipalities contribution to the total flow – Sinking Spring – 68.0% (includes an un-metered portion of Spring Township), Lower Heidelberg – 22.5%, and South Heidelberg – 9.5%. The total rainfall for the month was 2.80 inches. The Miller staff completed the routine operation and maintenance duties, responded to nine (9) PA One calls. There were two (2) service calls. One (1) service call was 230 Keller Avenue where the homeowner reported a missing vent cap. They replaced the upper portion of the standpipe and put a new vent cap on. The second service call was at 3915 Penn Avenue. There was no sewer backup, however a broken water line was found in the homeowner's basement. The staff read the collection system flow meters four (4) times during the month. The staff harvested reed beds 1, 2, 9, 10, 11, 12, 13, and 14. They along with Mr. Michael Hart and Mr. Larry Schmidt investigated high water usage at the treatment plant. They isolated a water line which runs from the RAS chlorine building to the effluent chlorine building. They will further try to pinpoint the leak once the snow melts. They checked the collection system bioaugmentation meters during the month.

Back in December, Miller Environmental received permission to have the scum pumps rebuilt out at the plant. It was awarded to Levan Machine however they have not picked up the pumps yet. Mr. Hillibush has contacted them several times and they still have not come to pick up the pumps. They don't even call back. On February 19, 2007 he faxed them requesting that they put it in writing when they would be picking up the pumps, still nothing. He was inquiring how Council wanted him to pursue this matter. Should they go to the next bidder? Mr. Schmidt questioned what the cost was of the next bidder. Mr. Hillibush said it was about \$2,300 more for each pump. Mr. Schmidt feels that we should move on to the next one. Mr. Zerr made a motion to have Mr. Hillibush contact Levan Machine giving them three (3) days to respond to this request and if they don't do so, Council will move on to the next lowest bidder; seconded by Mr. Butkus. Mr. Butkus questioned if we would need to get a fourth quote. The answer was no. Mr. Printz stated if we give them three (3) notices to pick up the pumps, what's to say how long it will take till them to get them back to us. Mr. Schlott explained that they were going to pick up the first pump, repair it, and then take it back to the plant. They would then pick up the second pump at that time. A brief discussion ensued as to the timetable and the return of the pumps. Mr. Biggs questioned what the cost would be. Mr. Hillibush stated the cost for both pumps was \$11,562.00. Mr. Zerr made a motion to go to the next bidder; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried. Mr. Hillibush will contact the first bidder along with the second and inform them of the change. Mr. Butkus questioned how Miller made out with the dumpster. Mr. Hillibush stated everything is fine; it was all take care of.

Mr. Schmidt informed Mr. Schlott and the rest of Council that PA American is giving us sixty days to get the leak fixed and then they will look at the bill again. This is for a reduction on their bill.

REPORTS OF COMMITTEES AND OFFICES:

MAYOR NOECKER:

Mayor Noecker stated our streets were in good shape. The sidewalks were a mess but the snow was hard to get rid of. Letters were sent out to people that did not shovel their sidewalks.

FIRE DEPARTMENT – MATTHEW ZERR:

Mr. Zerr said we had twenty five (25) incidents in the month of February. The report is in front of everyone. The year end report is completed. Mr. Zerr read part of the report. The report can be found on their website. Mr. Zerr thanked the Borough residents that shoveled out fire hydrants.

BOROUGH ENGINEER – ROBERT LUDGATE, JR.:

Mr. Ludgate stated at the Sinking Spring's Planning Commission meeting, Mr. Michael Hartman of McCarthy Engineering, presented a sketch plan that showed a proposal of a semi detached (4316 Penn Avenue) being turned into a beauty parlor on the first floor and an apartment on the second floor. They would have access from an alley behind the property. The Planning Commission has recommended that the land development plan be waived as it is a very small project. It can be waived if Council so chooses. The stormwater issues, permitting, etc. will be handled through the office. Mr. Leiby made a motion to allow the land development plan to be waived; seconded by Mr. Wenrich. Mr. Butkus had a question regarding changes to the exterior of the building. Mr. Ludgate stated they are not adding any additions to the building however if the building gets repainted that is something he is not sure of at this time. Mr. Butkus was fine with his answer. Mr. Fitzpatrick questioned if there would be an increase to any impervious surface to which Mr. Ludgate said there would be. Four parking spaces will be created in the back. Mr. Fitzpatrick questioned if this would create a run off problem. Mr. Hartman stated he will work on this problem with Mr. Ludgate. Mr. Ludgate stated the amount of impervious area will be inconsequential. Mr. Fitzpatrick would like to see something in writing about the runoff issue as that is not covered under the permitting process. Mr. Ludgate stated that it is actually handled. The motion from Planning Commission recommends the motion, and addressing the runoff along with erosion control. Mr. Leiby amended his motion to include the stormwater and erosion control issues; seconded still by Mr. Wenrich. Mr. Schlott questioned if they have one (1) EDU. Mr. Ludgate stated he told them he would need to talk to ARRO about this matter. Mr. Leiby made a motion to allow the land development plan to be waived with the idea of working on the stormwater and erosion control; in addition to work with Mr. Schlott of ARRO Consulting on obtaining the correct amount of EDU's; seconded by Mr. Wenrich; AYES – 7, NAYS – 0; motion carried.

The other item is that Council received a letter dated February 6, 2007 from the builder of Brookfield Manor. They are requesting the changing of some of the plantings at the Brookfield Manor playground. They would like to install 17 Leland Cyprus Trees that borders lot #34. This would increase the buffer. The Borough's maintenance crew would no longer be able to get in there and mow. The area under the trees should be placed in a mulch bed. Mr. Zerr had an issue with that from a safety standpoint. The trees will grow and he is concerned that this would impede the viewing of that sight. He would hate to be part of anything over there that might cause a child harm because they couldn't see what was going on. He feels it is excessive. He has no problem replacing the existing trees; however he would like some sight into that area. He stated our own police vehicles would have a problem seeing that area. Mr. Ludgate agreed. It is Mr. Zerr's

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

recommendation to have Ryan Homes replace the trees that are dying. He does not feel we should add anymore. Mr. Ludgate agreed with his viewpoint. The issue was tabled. Mr. Ludgate will go back to Ryan Homes to discuss this further. The owners of lot #34 would like to see this happen. Mrs. Brown lives back there and at this point in time she stated you can see over them. Mr. Ludgate stated they are young trees; they will grow quite big and at some point you will not be able to see over the top of them. It was tabled.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart stated the ICC school he was going to attend in February was snowed out. It has been rescheduled for March 22 and 23 of this month.

UGI has contacted us in regards to the Vester Place project. They will be upgrading their 2" service.

The overhead door at the Borough garage was struck by a truck. There was quite extensive damage done. Mr. Hart is currently gathering information on the cost to repair the door. It has been reported to our insurance carrier. The door is not useable.

The last item is the street sweeper. He did a lot of research. He did find another distributor that is under state contract. Mr. Hart explain about the motors. The first is a Tymco Sweeper and the second is a Schwartz. They are basically the same and they are right around the same cost. Mr. Schmidt asked Mr. Hart for his recommendation. He stated the Tymco has been in service here for the last 29 years. He did not know too much about the Schwartz. Mr. Hart would like to go with the Tymco at a cost of \$148,765.00. That would be the straight purchase price. They do have a five (5) year lease program at a cost of \$33,287.64 annually. It was discussed to buy it outright as we will save a bunch of money in the end. Mr. Hart agreed. It is about a saving of \$18,000.00. Mr. Schmidt stated we are now putting our vehicles on a "schedule." This is not something that was scheduled to be bought this year; however the emissions controls for these types of vehicles will be changing in 2008. Next year it would cost us between \$15,000 and \$20,000 more if we waited till next year. Our current street sweeper is 29 years old. Mr. Light made a motion to purchase the street sweeper under the contract price of \$148,765.00; seconded by Mr. Zerr. Mr. Wenrich questioned are we going to rearrange projects so we have the money to pay for this. Mr. Schmidt said yes. Mr. Schmidt called for a roll call vote. AYES – 7, NAYS – 0; motion carried.

Mr. Zerr asked Mr. Hart when the McCormick was going for the retrofit. Mr. Hart said he was not sure. They were to get back to him. He will call them again the following day. The bucket and frame work are in.

SEWER ENGINEER REPORT – DAVID SCHLOTT, JR.:

Mr. Schlott stated they are currently working on the Chapter 94 Report. The Authority will sign it and forward it off to the State.

They have begun work on the rate study. They are collecting the information.

SEWER AND SANITATION – GEORGE BUTKUS:

Mr. Butkus stated the ad hoc trash committee will meet on March 20th. The committee is Mr. Dennis Leiby, Mrs. Barbara Kutz and any members of the community that would like to help. In addition, they will be beginning to put together the information to go out to bid for 2008.

Mr. Fitzpatrick is reviewing the letter from Miller regarding the fourth person hired for the plant. Mr. Schmidt explained the fourth person will start out at the plant on our “dime” on April 1, 2007; however he will be working on Miller’s “dime” beginning around March 15, 2007. He will be learning our system. He will be there about two (2) weeks.

Mr. Coldren questioned the time of the ad hoc meeting. Mr. Butkus said 7:00 p.m. here at the Borough Hall.

Mr. Fitzpatrick stated that if the number quoted is correct then it “looks good.”

Mr. Biggs feels our trash company is outstanding.

ADMINISTRATION – STEWART WENRICH:

Mr. Wenrich deferred to the two (2) members of his committee, Mr. Zerr and Mr. Light. Mr. Wenrich just began a new job and they have stepped up to help him and the committee.

POLICE CHIEF – WILLIAM ULRICH:

The Chief reported they responded to 221 calls for service. Thirteen (13) of which were reportable. Fifteen (15) parking ticket citations were issued. Forty Five (45) were issued during the snow emergency. Fifty four (54) residents received warning letters about their sidewalks. Chief Ulrich stated there was actually more than fifty four (54) contacted. Officer William Skelton was at taser school. We budgeted for three (3) tasers.

LIBRARY - DENNIS LEIBY:

Mr. Leiby stated the Library Board questioned about paying a portion of the awning in the back. Mr. Leiby thought the Borough was going to pay for the awning. It was decided that the Library will not have to pay for half the awning.

The library will now begin handling “R” rated movies.

Mr. Schmidt questioned Mr. Ludgate about the carpeting back in the library. Mr. Ludgate said we have the specs from the state bid contract. It is significantly less then the private number we received. He will present this at the workshop. It includes the installation and it is a higher quality.

PROPERTY AND MAINTENANCE – BRUCE LIGHT:

Mr. Light spoke to Mr. Lengle and they will begin putting the awning up on April 13, 2007. We will pay the other half when the awning is up and it does come with a warranty. The road crew

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

has been opening up the curbs and corners this past week. Mr. Kuser supplied the Borough with two (2) trucks. We used those trucks to haul the snow. The bill was about \$2,500.00 for two (2) days. Mrs. Levan stated that our streets were in outstanding shape. She has been in other municipalities and their roads are not nearly as good as the Borough's.

RECREATION – BARBARA KUTZ:

Mrs. Kutz stated we ordered fourteen (14) Christmas lights the prior Friday. They will come with the LED lights. There were no savings. The cost was \$4,970.00.

The Easter Egg Hunt will be Saturday, March 31, 2007 at 11:00 a.m. It will be at the Sinking Spring Fire Company.

Mrs. Karli asked Council to consider doing a float for the Memorial Day Parade. She needs to know who would like to be on the float and what theme would they like to go with. Mr. Schmidt stated anyone interested in helping out see Mrs. Kutz after the meeting.

PUBLIC SAFETY – JAMES ZERR:

Mr. Zerr started with the admin report. All of Council has received a copy of the 2006 audit report. The report shows that there should be segregation in duties in the office. The corrections will be addressed.

Mr. Zerr told Council that at the same time some papers became missing in the Borough Hall our Borough Secretary/Treasurer's computer system became infected with a virus. He found it to be quite disturbing. This happen some time between Christmas and New Years. Mr. Zerr stated the Chief got an e-mail from the County. He turned it over to us and we contacted the County. Lynx came out and fixed the problem. The computer has been cleaned and extra precautions have been put in place. A discussion ensued as to what was missing, what types of viruses were there, and our security system we currently have in place.

The next issue was the secretarial position. The admin committee feels that a third person is warranted in the office. The reasons were mentioned earlier. Council has the job description. This person will be doing the census. If we do any revitalization that work will becoming into the office as well. The person will help with grant writing on this project. The rate to start this person will be \$10.50 an hour. After six (6) months the person will go to \$11.00 an hour. The other reason for the full time is if we hire someone for part time and this person finds a full time job we have wasted all the training. We will need to start all over again. Mr. Schmidt stated that this has been thought about heavily. Mr. Schmidt asked Mr. Fitzpatrick if we were one (1) of the only Boroughs that have only two (2) people in their office. Mr. Fitzpatrick stated he can speak for the Borough of Hamburg, which is only slightly larger then Sinking Spring and it does bill for water, but otherwise they are similar. They have five (5) full time employees in their office. The Borough of Kutztown has more than two (2) also. Someone said four (4). Mr. Fitzpatrick stated it is hard to compare but

PUBLIC SAFETY – JAMES ZERR(cont'd):

most of the municipalities that are comparable to the Borough have more than two (2). Mr. Zerr said this person will be doing the codification as well. Mr. Printz questioned if those employees at the other municipalities are hourly or salary. Mr. Fitzpatrick stated that in Hamburg the Borough secretary is salaried. He does not believe the other personnel are salaried but he was not sure. Mr. Printz stated that this position will pay about \$20,000 plus benefits; it will be about \$30,000.00. Mrs. Kutz questioned if that was budgeted. Mr. Zerr stated we have Madeline's salary budgeted. Mrs. Kutz questioned what her amount was. Mrs. Shade stated she was paid about \$8.50 an hour. Mr. Zerr said that there is \$20,000 in for codification; however Mr. Fitzpatrick stated the most it should cost us is \$7,500.00. Mr. Ed Sep questioned how are we going to find this person. Mr. Zerr stated we will run an ad and interview for the position. Then the person will need to come up in front of Council for everyone to vote on it. Mr. Sep stated that this person is going to do the grants not the Borough secretary. Mr. Zerr stated this person will help with the grants. The Borough secretary will apply for the grants. Ms. Brenda Messina wondered if Council should interview or should an outside service interview for the job. Mr. Light feels there are three (3) people on the admin committee that are very well qualified to interview for this position. Council does not have to accept this person. Mr. Light continued that Council did interview for the Public Works Director. The company just gave the names, we did the interviewing. Ms. Messina stated the only reason she brings this up is because it appears that Council is under fire from the community about hiring friends and/or family. She feels this would put that to rest. Mr. Light asked what would be the difference if this company picked a person that was a family member. Ms. Messina stated nothing but it would be this outside company's pick. Mr. Light stated there is so much issue about this. He feels it is about time this gets addressed. Mr. Light stated that Mr. Schmidt was elected by the people. Mrs. Shade was hired by another Council altogether. Mr. Schmidt was not even on Council at the time Mrs. Shade was hired. We did not hire her. The other issue is Mr. Zerr. Matt was here long before Mr. Zerr ran for Council. We did not hire Matt Zerr either, another Council did. Where this family oriented business comes from who knows. It just happens they were here when Mr. Zerr and Mr. Schmidt ran for office. These two (2) people keep getting "persecuted" by the outside because we have two (2) people on Council that are related to them. You can't stop Mr. Zerr from running for office because his son works here. You can't stop Mr. Schmidt for running for office because his daughter works here. Ms. Messina agrees. Mr. Light feels it is about time this Council stands up and states that we are not doing anything wrong. If someone comes here and can show him where something is not right, he will be more than happy to sit and talk to them. Mr. Light stated we have seven (7) people here and if we can't hire someone than we have a problem. Mr. Biggs agrees with Mr. Printz that the \$30,000 will go a long way to paying for a street sweeper. Mr. Biggs stated it is time to move on from this conflict of interest stuff. He wanted to point out that when certain people have certain job descriptions, and they can dedicate their time in the right places, \$140,000 was found. It makes \$30,000 for a clerical assistant seems insignificant. There was another time when \$40,000.00 was found. That money is our street sweeper. We would not have had that money if Regina had not taken the time to dig. People need to know that. The one (1) check was from Grande. He surely wasn't going to volunteer that money. We need to be mindful of that; it takes time to find that. The auditors didn't find it; Regina did. Mr. Wenrich stated that Madeline's wages were figured in for a year and with other project's budgeted figures in there, the money is there. It will definitely be a benefit to move this way. Mr. Light made a motion to begin the advertising process to hire a full time office clerk and that the admin committee will do the interviewing and brought back to Council; seconded by Mr. Zerr. AYES – 6, NAYS – 1 (Mr. Leiby) motion carried.

PUBLIC SAFETY – JAMES ZERR(cont'd):

The next issue was the intersection down at Penn and Mull Avenues. The fear and concern is and was if that traffic signal was going to fail and cause us grave problems. We had a failure at one (1) of our traffic signals but it was not due to mechanical failure. It was due to a problem when the street was being dug up. It was marked by PA One however the contractors did not dig properly. Over the last few weeks are police and fire departments have dedicated quite a bit of time to Cacoosing, Penn, and Columbia Avenues because of the contractors. We are going to try to recoup all of the money that was spent by our police and fire police. The bill will go to PA American.

Everyone received the fire company report. Mr. Zerr invited the Borough residents back to the fire department in April. They put together a program for recruitment and retention. It is a ten (10) minute video showing what our firemen do. They will be showing the video at the next Council meeting. It is an all volunteer fire department. He couldn't begin to tell the residents what the cost would be if we had an all paid fire department. Mr. Biggs questioned if we have done anything immediately to get them the breathing apparatus they need. Mr. Matt Zerr stated that the fire department did apply for a grant this year and all the Federal people did contact them. It appears at this time they will be getting the entire grant that they requested. Mr. Matt Zerr stated we should have it in July. Mr. Biggs wanted us to fund it and then when the money comes in we can reimburse us. Mr. Matt Zerr stated if Borough Council would fund it, they would lose their Federal money. The cost is \$100,000.00. Mr. Wenrich questioned Mr. Matt Zerr that the current apparatus is still functional and can be used. In addition, if it becomes not functional, it can be repaired. Mr. Matt Zerr stated that was true; it is just quite old.

Someone questioned if we could post this video on our website. Mr. Schmidt stated we were going to talk about our website. Mrs. Shade stated that Ms. Betsy White will be attending a seminar in March about websites hosted by the County. Mr. John Printz set up our website years ago. The server which he used has been moved several times. In addition to us trying to update our website, Mr. Butkus also has tried to update it as well. At this point in time we don't know who even hosts the site. The County will be setting up our website at no cost to us. We will be able to manage our site. They have told us the space is unlimited. As more information becomes available and as we move along in this process our website should be updated. Mr. Zerr stated the video for the fire company is not available as of yet; however it will be posted to the fire department's website for sure. It will be after next Council meeting. Mr. Printz questioned if the website is still up. Mrs. Shade stated it was. Mr. Butkus said we had trouble updating the site because something on the hosting server changed again. It would not let us upload it. In addition, LYNX also looked at it as well. Now you can't open even a dialog box, Mr. Butkus said. The County has a desk that we can call if we have a problem updating the site, Mr. Butkus stated. Mr. Printz stated his phone never rang. Mrs. Shade said that Ms. White had sent Mr. Printz quite a few e-mails telling him about the problem. Mr. Butkus stated that when the County's site is up, the old site will come down. Mr. Printz again stated that no one called him and again Mrs. Shade stated that Ms. White did try to contact him. Mr. Printz stated that he might have been able to contact them. Mr. Butkus stated that he tried to work with Ms. White and had trouble so they contacted LYNX and they too had trouble and they are more computer literate then he is.

PUBLIC SAFETY – JAMES ZERR(cont'd):

The fire department is currently using three (3) vehicles that are starting to nickel and dime us to death. Over the last three (3) years the cost to maintain these vehicles cost more than the purchase price of the vehicles. They came to the safety committee and asked if there was anything the Borough could do to help this situation. Mr. Wenrich questioned what this would replace. Mr. Zerr stated a 1988 Suburban, a Chevy Caprice, and a cargo trailer. They are eliminating three (3) pieces for one (1). This piece will reduce the runs on the big apparatus. It will extend the life of the big pieces. This vehicle will have a light tower. This piece will be able to be used by other departments as well. It will be a Borough owned vehicle. Mr. Zerr made a motion that the admin committee along with the fire company truck committee look at ways of financing and the possible purchase of a utility vehicle for the year 2008; seconded by Mr. Wenrich. AYES – 7, NAYS – 0; motion carried. Mr. Bernard Campbell questioned if that piece of equipment will be in use by us all the time or is this something that another Borough could share the cost with. Mr. Zerr stated we are currently talking to two (2) other municipalities with the idea of merging fire departments. This will be a support vehicle to run out with the trucks and engines. It will be able to be used by other fire departments as well. Someone questioned if other municipalities would be able to share the cost on this piece. Mr. Zerr stated if we were in the heat of the merger that probably would happen; however we can't wait. The Suburban just passed inspection by the "skin of its teeth." They were told not to bring it back. The car and the cargo trailer were used very hard. Even prior to the purchasing of these pieces, they were used hard. Ms. Sloan stated that maybe down the road this is something we should be working on. Mr. Zerr agrees and feels this will probably be our last big purchase we will have before the merger. A discussion ensued as to the cost of fire equipment.

UNFINISHED BUSINESS:

Mr. Schmidt announced that bulk cleanup will be Wednesday, April 25, 2007. Mr. Butkus explained what should be placed out for bulk cleanup. The County is running a program throughout the spring and fall for paint can disposal.

The Easter Egg Hunt will be Saturday, March 31st at 11:00 a.m. as Mrs. Kutz stated earlier.

The Mayor stated that we had an open seat on the Civil Service Commission. Mr. Zerr made a motion to appoint Mr. Wilmont Binkley to the Civil Service Commission; seconded by Mr. Leiby. AYES – 7, NAYS – 0; motion carried.

NEW BUSINESS:

Mr. Schmidt stated earlier in the meeting we spoke of how Kuser helped us through the snow removal process. In the past snow emergency, Mr. Schmidt attend a seminar in Allentown on this issue. It was applying for State and Federal money. One (1) of their recommendations was that municipalities contact contractors or snow removal companies to provide trucks, equipment and/or manpower in heavy snowstorms. We have not done this as of yet. Mr. Schmidt stated we collected the snow and dumped it back on the land at the fire company. We think now we should enter into the contract with Kuser so if this ever happens again, we don't have to call around looking for trucks to help us out. Mr. Butkus made the motion to call E. Kuser for the use of two (2) trucks and

NEW BUISNESS (cont'd):

(2) drivers based on the discretion of the Council President and the Public Works Director; seconded by Mr. Light. Mrs. Kutz stated it could snow today an inch, four (4) days later another four (4) inches. It shouldn't go on snowstorms. Mr. Butkus stated that is why he said "discretion". Mr. Wenrich stated it would be nice to have them on a standby in case of a truck breaking down or if PENNDOT pulls their equipment there would be someone to help us. Maybe we can use them when the Mayor calls a snow emergency. Mr. Leiby stated that it should be up to the man in charge. Mr. Zerr agrees. Mr. Butkus and Mr. Wenrich also agree. No restrictions will be set. Mr. Zerr questioned if we want to extend the type of equipment. Mr. Hart stated he could sit down with Mr. Ashley Kuser and see exactly what types of equipment he would have available for us to use if necessary. Mr. Hart explained what equipment was used by us and by Kuser and exactly how we did it. Ms. Sloan stated we should put together some type of option contract. That means we pay them so much for the year and if we call them out an additional amount. A discussion ensued. Mr. Butkus amended his motion to include whatever committee along with Mr. Hart, sit down and decide exactly what we need to get into place to have their equipment help us in a snowstorm by June 1, 2007; seconded by Mr. Light. Another discussion ensued about the equipment. It was decided to table this issue until Mr. Hart has a chance to talk to Mr. Kuser and gather information on this.

Mr. Schmidt stated the next item is not on the agenda. He turned the floor over to Mr. Zerr. Mr. Zerr passed papers out to Borough Council. He passed out a resolution to disband the Municipal Authority. The reason is a savings to the Borough which could accumulate to a total of \$40,000.00 per year. Some of the other reasons for disbanding are the fact that it only serves our own municipality no others; years ago authorities were used as another way to borrow money, this is no longer true. We don't have to worry about the Authority doing any private or contract work with anyone. Mr. Schmidt stated there are copies of the reasons to disband the authority if anyone wants a copy of them. A very conservative number of savings is \$40,000.00 a year. Mr. Coldren asked what the Authority did and who will be doing the work now. Mr. Schmidt stated the Authority owned the property and was responsible for capital improvements to the plant. Mr. Coldren stated this is now being done by Council. Mr. Coldren stated then "dump it." Mr. Schmidt stated yes. Everything that the Authority did will come back to Council. Mr. Schmidt stated Mr. Printz wanted to save money, here is a way. Mr. Printz stated so you are saving \$10,000.00. Mr. Schmidt stated \$10,000.00 savings is better then nothing. Mr. Printz stated so now we will have to hire a fourth person. Mr. Schmidt stated maybe we will. He said to Mr. Printz that he served on Council for many years. Mr. Printz said yes. Mr. Schmidt asked Mr. Printz what was the one (1) thing that Mr. Printz wanted to do while he was on Council. Mr. Schmidt stated that Mr. Printz wanted to dissolve the Authority. Mr. Printz stated that was only for a short time as he was fed wrong information. Mr. Butkus had a question. He said that currently Miller is operating the plant for Council, giving the past traffic record of Council not just this one, but others as well, because of the neglect of the plant, wouldn't it be prudent to leave a body in place to oversee that. They did televise the entire sewer lines mostly last year. This was their sole purpose to lookout for the system and the plant. Whether you agree with them or not, Mr. Butkus said, Council did very little to maintain the plant. Mr. Schmidt disagreed. Mr. Butkus stated not the past two (2) years but over the life of the plant. Mr. Biggs stated we should never have what we had back on Mt. Home Road. That wasn't an Authority forty (40) year problem that was a Council problem. Mr. Biggs feels there should have been a lot of conversation between Council as to who is going to run the plant. It is not

NEW BUISNESS (cont'd):

as easy as it appears. People need to know that the Sewer Authority is a “fat cat”. They have about a \$1.2 million in the bank. Is that money going to stay there or will it buy other things? People need to know that the plant is old. It needs renovations. Mr. Biggs wondered if people will be involved in this. Mr. Schmidt stated the present plan is to form an infrastructure committee. Several business people, and people from the audience will be asked to meet and look at our entire infrastructure, not only the sewer plant, but the roads, anything we need to do. It is his intent to name people who currently serve on the Authority to this committee as we don’t want to lose their knowledge and expertise. It is Mr. Schmidt’s intent to talk to Mr. Francis Butkus personally and ask him to sit on this committee. This is nothing more than trying to save money. Mr. Schmidt feels we can function just as well without the extra cost associated with the Authority. Mr. Butkus questioned and looked to Mr. Ludgate for his input as well, that the City of Reading disbanded their Authority and now since no one was watching the capital improvements account they are behind the “eight ball”. They must do various improvements and there is no one looking out for the future. He continued that since the bills were paid and they broke even now maintenance needs to be done and there is no money so they are looking at giant rate increases for everyone that uses the system. Mr. Ludgate said that the Reading Area Water Authority was formed because Council felt that at that time they had their hands full running the sewer system. The Reading Area Water Authority was formed to run the water department. Reading City Council still bears the responsibility of running their sewer system. The Reading Area Water Authority is an operating Authority. It not only leases the system, it operates as well. They Authority sets the water rates. Mr. Ludgate stated that was another reason the Authority was formed was to take the brunt of the enormous rate increases that was needed. It took the “heat” off of City Council. Mr. Fitzpatrick stated from a legal view, the City of Reading had an opinion from their solicitor that they were able to use funds that were sewer funds, for other purposes. That is absolutely wrong. Mr. Fitzpatrick continued to address Mr. Biggs questioned about the Authority money, that no matter who has that money, it can only be used for sewer purposes. That is a legal opinion that he gives now and gave to past Councils as well. We could not use the money for the Mt. Home Road project. Ms. Sloan stated we have seen tonight where the money was temporarily used to pay fire bills. Mr. Fitzpatrick stated that was true but we are paying it back. Ms. Sloan stated that was fine but once it starts “sliding” around. Mr. Fitzpatrick explained that this is totally fine, he continued that he represents another municipality that borrows against its Liquid Fuels money. That is State money. The State allows this to occur. It can never be used and not paid back. Mr. Biggs stated the committee members need to be mechanical people. They need to understand how things work. He also questioned if they will be empowered or will they be only recommending. Mr. Schmidt knows what he is asking. Mr. Schmidt stated the infrastructure committee will include business people, hopefully mechanical people, and both our engineers. Mr. Schmidt stated that was a duplication of services right there, ARRO Consulting was both the sewer engineer as well as the Authority engineer. We can combine that. The Authority was a good thing when it was formed, Mr. Schmidt said. He is not saying it is a bad thing now; however it has outlived its usefulness. Its time we look at upgrading. This is a change in policy and he realizes that but it is time for change. Mr. Wenrich stated we will still retain Miller Environmental. He questioned if we can have Miller on this committee. Mr. Schmidt said absolutely. Mr. Butkus asked if it would be better to have our Authority become a working Authority. Mr. Schmidt stated about eighteen (18) months ago, he approached Mr. Francis Butkus about making the Authority a working Authority. Mr. Schmidt believes that Mr. Francis Butkus even talked to the Authority about it. Mr. Leiby stated he did. At that time the Authority did not

NEW BUISNESS (cont'd):

want to become a working Authority for whatever reason, they did not say. Mr. Butkus stated that was fine. He was just asking as this was the first time he heard of it. Mr. Fitzpatrick stated typically working Authorities serve into another jurisdictions. He continued that this helps avoid PUC restrictions because it is going across boundaries. Mr. Fitzpatrick stated he was asked by members of Council to comment on this as he has much familiarity with Authorities. He helped form the Amity Municipal Authority thirty five (35) years ago. He went through their infancy with them. They grew and grew; however they have been dissolved. The reason most municipal authorities are working authorities is because they either serve more than one (1) function such as water, sewer and maybe infrastructure or they cross boundaries. Here in the Borough it contracts with other municipalities but only operates within the Borough. If we owned a system in another municipality then his recommendation would be to go to a working authority but we don't. Mr. Butkus requested that we table this till Council can review and digest the information. Mr. Schmidt stated we will vote tonight on this issue. Mrs. Kutz stated she did not have enough information on this. She would like to see the matter tabled. Mr. Schmidt stated that it will be voted on that evening as he already knew how she would vote. Mr. Zerr stated then don't vote. Mr. Schmidt stated we have been talking about this for a long time. Mr. Fitzpatrick stated it is his opinion and you will see this in paragraph four (4) of the resolution, it does require an Ordinance be passed. A resolution is just showing intent. It does not accomplish the legal dissolution of the Authority. He stated to anyone else on the Authority, this is not the final say. It is only a resolution. It requires an Ordinance. Mr. Zerr made a motion to pass the resolution beginning the process of the disillusionment of the Borough of Sinking Spring Municipal Authority; seconded by Mr. Light. Mr. Schmidt asked for a roll call vote. AYES – 4, (Mr. Schmidt, Mr. Zerr, Mr. Light, Mr. Wenrich), NAYS – 3, (Mr. Butkus, Mr. Leiby, Mrs. Kutz); motion carried.

PUBLIC COMMENT:

Ms. Sloan stated with Traditions and everything go on this does not seem like the time this type of decision should have been made. It appears to be a big decision. Ms. Sloan stated it appears that some Council members have not seen this till now. Mr. Schmidt stated he was going to address this issue. Ms. Sloan stated she had the floor at this point and continued that the public did not think it was fair that these other members did not know anything about this till now. She continued that they will remember this at election time. Mr. Schmidt thanked her for her thoughts and stated he was going to address this issue. Many times this Council has done many things that other members of Council knew nothing about. But that was okay he stated. Now because things are different, the shoe is on the other foot, now it is not fair. Mrs. Kutz questioned why they were not given this information to read. Mr. Schmidt questioned her why didn't you inform us that your were going to fire half the people. Mr. Schmidt stated that Mrs. Kutz and anyone else will have the chance to reject the Ordinance. Mr. Edward Sep stated you have three (3) people up there that voted no. Doesn't Borough Council have workshops that these items are to be discussed at? Mr. Schmidt said yes they do. Then why wasn't it discussed with them. Mr. Schmidt stated because we knew they would vote against it. Mr. Sep stated that was beside the point. He feels they are acting like little children.

Mr. Ken Harting stated he thought Council was going to discuss the Ordinance regarding the change of zoning. Mr. Schmidt stated that hearing was held at 7:00 p.m. before the meeting. Mr. Harting said he was here at 7:00. Mr. Schmidt stated we will be voting on the Ordinance on March

PUBLIC COMMENT (cont'd):

28, 2007. He stated was there a comment phase for people to talk. Mr. Leiby said yes, many times. Mr. Zerr agreed. He has one (1) comment. There is some interpretation that the committee had a problem with the builder but it is still there. Mr. Schmidt asked what it was. Mr. Harting stated section 629 permitted uses, number 2. He stated Mr. Fitzpatrick was at the meeting. It was at the bottom of page three (3) to the top of page four (4). He stated when he first brought it up Council stated it wasn't going to happen; now it appears it will happen according to Mr. Harting. Mr. Fitzpatrick stated this is what the Planning Commission as a whole recommended. Mr. Fitzpatrick was there when this was agreed upon. Mr. Harting stated this means there will still be some commercial businesses on that property. Mr. Fitzpatrick stated there will be those accessory businesses that are listed on there. Mr. Fitzpatrick stated there were five (5) members of the Planning Commission and they were okay with this. Mr. Fitzpatrick stated at the meeting where the Planning Commission voted, this was exactly what they voted on and it was worded exactly as you see it here. Mr. Ludgate agreed as he was at the meeting as well.

Mr. Paul Speece of Cacoosing Avenue is requesting that someone come back to his house and inspect his road and curb. It is getting water and he feels there is a sinkhole there. Mr. Ludgate and Mr. Hart will come out and look at it.

EXECUTIVE SESSION:

An executive session was called for by Mr. Zerr for a personnel issue at 10:09 p.m.

RECONVENE:

Council reconvened at 10:20 p.m. No action was taken.

TREASURER'S REPORT:**General Account**

Opening Balance – February 28, 2007	\$	323,041.54
PLGIT		8,379.03
Invest Recreation		44,485.85
General Invest		13,426.35
To Be Paid	\$	<u>31,368.83</u>
	\$	357,963.94

Sewer Account

Opening Balance – February 28, 2007	\$	336,816.23
PLGIT		56,394.07
Invest Sewer Revenue		108,104.98
To Be Paid	\$	<u>559.27</u>
	\$	500,756.01

Motion made by Mr. Wenrich to accept the Treasurer's Report; seconded by Mr. Butkus; AYES -7, NAYS – 0; motion carried.

ADMINISTRATION:

Mr. Zerr stated we have our new paychecks. We have changed to our new payroll company.

ADJOURNMENT:

Mr. Zerr made a motion to adjourn at 10:27 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer