

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was opened on Thursday, April 5, 2007 at 7:30 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 Ronald Wentzel, Fire Chief of the Liberty Fire Company.

APPROVAL OF MEETING MINUTES:

Mr. Light made a motion to approve the amended meeting minutes from the March 1, 2007 meeting with the request from Mrs. Kutz about a comment she made at that meeting; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

LIBERTY FIRE COMPANY:

Chief Wentzel made a video presentation of exactly what goes on at the fire company. This was done by a volunteer for his senior project. All events shown in the presentation have happened during the past year with the exception of one (1) or two (2) of the items. After the presentation Chief Wentzel informed Council as well as the public that they would like to purchase a new squad. They will be replacing three (3) pieces of equipment with the squad. He explained that they are not looking at incurring any more debt. They would like to refinance and reallocate the money that is set aside for these pieces. Mr. Wentzel explained what the fire company has been doing. They are 100% volunteers. He also stated that we are on a “high” with volunteers right now. He also informed Council that they will be receiving a FEMA grant in the amount of \$90,000.00. This will replace sixteen (16) pieces of breathing apparatus, two (2) rapid intervention packs, a thermal imager, a computer, and a laptop for a fit test machine. We also received new gear and pagers. He explained the problems with the vehicles. He stated what each piece of equipment does. Currently they have three (3) support vehicles at the station. They are a 1985 Chevy Suburban that was purchased by the Relief Association at a cost of \$1,000 in 2005. A 1993 ex-Bern Township police vehicle in 1999 for a cost of \$2,500 paid for by the Relief Association. In 2000 they did not have enough room to carry around all the equipment so a 2000 cargo trailer was purchased at a cost of \$1,800. The Suburban cost the fire company about \$5,000 in repairs last year. The police car cost \$7,500. The proposal is to downsize from three (3) to one (1). They would like to sell those three (3) pieces. One (1) has already been sold. They want one (1) new support vehicle. He explained

LIBERTY FIRE COMPANY (cont'd):

what this vehicle would contain and that other departments would be able to use this vehicle as well. This would be at no cost to the Borough; it would involve the switching of things around, according to Mr. Wentzel. A discussion ensued. The estimated cost the vehicle was \$158,000.00. He would like to refinance the existing loan. There are two (2) payments left. The amount to pay off is \$98,776.22 on the refurbishment to the engine and the ladder truck. Mr. Wentzel is looking at refinancing \$258,776.22. Mr. Wentzel explained how he hopes it will work. He thanked Council for allowing him to make the presentation.

VISITORS:

The first visitor was Mrs. Jeanette Dunkelberger. Mrs. Dunkelberger questioned whether we will be discussing the disillusionment of the Authority that evening. Mr. Schmidt stated probably. The other issue was that we are in debt up to \$1.5 million. Mr. Schmidt was not aware that we were in that much amount. Mr. Fitzpatrick stated that was not a correct amount. Mrs. Shade explained it was probably about \$900,000.00 to \$1,000,000.00. But she was not prepared to discuss this tonight or she would have brought that information with her. Mr. Butkus stated that the amount of \$650,000.00 that we could have borrowed contained money in case something unforeseen came up. Mr. Fitzpatrick stated that Local Government Debt Act in Pennsylvania sets a limit on how much money can be borrowed by a municipality. We are well below our borrowing capacity. That is a determination made by the State. Once again, we are below it. Mr. Biggs wanted to know what our credit ceiling would be. Mr. Fitzpatrick did not know. We make that determination every time we borrow. Mrs. Shade stated that if anyone is wondering about the solvency of the Borough, please listen when the Treasurer's Report is given. We have over \$419,000.00 in just the General Fund and over \$484,000.00 in the Sewer Fund. This is just the beginning of receiving our tax money also.

The next visitor was Mr. Francis Butkus who deferred till later.

Deb Dietrich was next. Ms. Dietrich lives at 57 Ralph Avenue. Ms. Dietrich lives directly across the street from the social quarters of the fire company. They are enduring enormous hardships. Ms. Dietrich stated that the police are aware of their problems. The noise from the bands is unbelievable. Two (2) of those Saturdays, she had to call the police. They turned down the music but after a bit of time, they turned the volume back up. The traffic and the noise are becoming difficult. She has talked to several neighbors and they too, are enduring the loud music. The concern is that they have been dealing with the loud noise for over six (6) months. She does believe that the fire company social quarters should be allowed to have music, but it should not be as loud as they have it. Councilman Zerr is getting her a copy of the noise Ordinance. If they are complying with the noise Ordinance, then we need to update that Ordinance. The bar is open so late at night. She feels that this contributes to crime. She would like Council to address her concerns. Mr. Schmidt asked the Chief if he had anything to say. Chief Ulrich stated no that he has already been threatened with a lawsuit over this incident. He will make no public comments about it. It is being investigated as complaints are taken. Chief Ulrich received a phone call and he referred it to the Solicitor. Ms. Dietrich was also threatened with a lawsuit as well. Mr. Fitzpatrick stated that the Chief will continue to investigate all complaints he receives. He continued that the Attorney that represents the fire company has also contacted Mr. Fitzpatrick. He advised him that

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we will continue to respond to complaints and if citations are needed, they will be handed out as well. Mr. Fitzpatrick as heard that the PLCB has also investigated the club. The authorities have been contacted and are doing their investigations. There has to be a violation of the law. Mr. Ludgate stated that in the revision of the joint comp plan that will be presented there are stricter noise limits which will be adopted as well. Ms. Dietrich thanked Council.

The next visitor was Bill Moser. He made a brief statement. It was an FYI for Council. Back in April of 2006, Mr. Neal Nevitt and he had submitted a letter to the Authority requesting paperwork under the "right to know act." Up till now, they have received some of the paperwork that they requested but not all. That was over a year ago. He feels he is being backed into the corner and there is nothing he can do other than go to the Attorney General at this point. He realizes that they are not the Authority; however if he goes to the Attorney General it will eventually come back to Council as well. He just wanted to let them know that for some reason this paperwork is unavailable. Mr. Schmidt asked if anyone has anything to say about that. Mr. Biggs asked Mr. Schmidt what he has to say about it. Mr. Biggs questioned what kind of paperwork was requested. He wondered what kind of paperwork he looking for. Is it paperwork from the Borough, Mr. Biggs asked. Mr. Schmidt stated, no, he believes it is from the Authority. Mr. Fitzpatrick stated he did not mention Council at all; he said it was the Authority. Mr. Leiby stated that he did not remember Mr. Moser coming to the Authority and asking for anything. Mr. Moser stated he submitted a letter. Mr. George Butkus questioned while he knew it was over a long period of time, who was responsible for keeping these papers. Mr. Butkus said last year there were questions about some agreements, bills, and other things. To the best of Mr. George Butkus' memory the official documents like these things were kept by the Borough at least as far as he could remember and were to be filed with their minutes, not co-mingled, but separately. If this information is lost how much fault does the Borough's office staff have throughout the years, Mr. George Butkus wondered. Mr. Butkus wondered who was to be keeping track of those official documents of the Authority. Mr. Fitzpatrick stated as far as record keeping goes, the Authority is an independent entity and the Authority must maintain its own paperwork. He knows that there were various locations that the paperwork could be. One (1) was with their solicitor, one (1) here in the Borough Hall under the control of the Authority secretary. The Borough would receive copies of documents that were entered into involving the Borough. Mr. Fitzpatrick had a task of trying to put together what capacity has been sold. He went through all the agreements the Borough had in their possession. He calculated what he knew to be the capacity to the surrounding municipalities based on the agreements. He then saw a letter that was delivered to him the day before that stated there was a 30,000 gallon per day commitment to the Commonwealth of PA. He didn't know anything about this. He believes ARRO might have known. The Borough along with the Authority received a letter from Lower Heidelberg Township concerning the presentation of various agreements. He presented all the agreements that he had in his possession. There was an allegation about the sale of capacity to the Solicitor of the Authority. He does not have any agreement in his possession or the Borough's possession of that sale. He has seen an agreement that was entered into by two (2) townships in relationship to that sale, but nothing showing the sale of that capacity from the Authority to their Solicitor. The conclusion is the Borough does not have all the agreements based on that. As a matter of fact based on these findings he is recommending that Council table any action to attempt to dissolve the Authority until it is clear what the Authority has sold in terms of capacity in its plant. It is clear the Borough does not have all the information. When that is

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concluded, he would then recommend Borough Council could then reconsider this. At this point, it would be a mistake for Council to consider dissolving the Authority when they don't have significant information. Mr. Biggs feels that the information was provided to the gentleman; he was unaware that he didn't get all the information he requested. He wanted him to direct the request to the Authority and at least Mr. Biggs will try to get him the information that he requested. He was unaware of the shortage of some of this paperwork. Mr. Francis Butkus said he too was unaware that they did not receive all the information that was requested of them. He said he believed the Authority secretary made all the information available to them. Mr. Moser stated when he was dealing with Ms. White, Ms. White herself stated she did not know where the files were. Mr. Biggs questioned if that was because of the move to the new Borough Hall. Mr. George Butkus asked how this works. It could have been from two (2) secretaries ago. Mr. George Butkus stated "clearly the files are missing" he wondered how this works now. He said it was not an attempt not to provide them, but that they are no longer in the possession of the Authority. He realizes Council is not involved with the records. Mr. Fitzpatrick stated the concern is that some of the records were not held in house. He is aware of this as he has had conversations with their Solicitor and he had some of those records. To what extent has it been investigated with him, Mr. Fitzpatrick was not sure. This is the former Solicitor, not Mr. Hoffert. Mr. Fitzpatrick knows that Mr. Binder (former Solicitor) must have something from the Commonwealth of PA. There is no agreement in the Borough files so someone must have it. Mr. Fitzpatrick continued that might be one (1) of the agreements that Mr. Moser and Mr. Nevitt were looking for. He did not know. Mr. Fitzpatrick is concerned from the Borough's perspective of dissolving the Authority when it does not have all the information regarding the capacity sold. Mr. Moser said Mr. Fitzpatrick addressed his concerns; however it has been almost one (1) year and he heard nothing. Mr. Leiby stated in that year did you ever come to the Authority meeting and ask for that information. Mr. Moser stated not to the Authority meeting, he sent a letter. Mr. Leiby stated you didn't come to an Authority meeting and ask. Mr. Zerr stated in light of the new information that was presented he made a motion to table this until the information is received. He also wanted the Authority and Borough to work together to get this situation resolved as soon as possible; seconded by Mr. Light. Mr. Biggs stated when this came about last month it was apparent that three (3) of the Councilpeople knew nothing about this. At that time the Chair stated this will be voted on this evening. Mr. Biggs wondered if he was unaware that these agreements were missing. Mr. Biggs knew the answer. He stated that Mr. Schmidt knew these documents were missing for two (2) years. Mr. Biggs wondered why we were tabling this now. Mr. Biggs feels Council should vote this either up or down. He doesn't like the implications here, say it out right, Mr. Biggs said. Mr. Schmidt did not know that the Attorney General was being brought into this. He heard it for the first time that night. Mr. Fitzpatrick made no recommendations based on what Mr. Moser said that evening. His recommendation was based on the finding of the 30,000 gallons of capacity to the Commonwealth. Mr. Biggs agrees with that. The other issue with the sale of capacity to the Solicitor, he heard of it, but has not seen anything with regards to it, even to this date. Mr. Biggs stated it was interesting that the document that he was holding had the signature of the Borough Secretary on it. Mrs. Shade stated she attested his signature not saying that she was signing on behalf of the Borough. Mr. Biggs stated Mrs. Shade had the document in her hand, why didn't the Borough have a copy of it. Mr. Francis Butkus held up a copy of the document. Mr. Fitzpatrick stated he still hasn't seen it. Mr. Biggs stated that Mr. Binder had it. Mr. Biggs stated that Lower Heidelberg signed it. Mr. Biggs stated that the Borough signed off on it, because the Borough Secretary witnessed it. Mr. Fitzpatrick stated "no". He asked

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if Council was a signator to that agreement. Mr. Francis Butkus stated "no". Mr. Fitzpatrick told Mr. Biggs that was not accurate then. Mr. Biggs then stated we didn't need a copy of it. Mr. Fitzpatrick stated we do need a copy of it. Mr. Biggs stated you didn't need it before, but now you need it. Mr. George Butkus questioned this document that Mr. Binder had, is it the official copy or his working copy. Is it possible that the copies Mr. Binder has are his working copies and not the official signed and sealed copies? Mr. Fitzpatrick stated that could be. He does not know what he has or had. He does know that he had originals of some of the agreements. Mr. Schmidt asked if it was a completely signed copy by all parties. Mr. Francis Butkus stated yes. He wanted to shed some light on this whole thing. He agreed with Mr. Fitzpatrick. They are a miss mosh mess. It is like a dog's breakfast. He was with Ms. White looking for stuff. He doesn't want to throw rocks. It needs to be resolved. Up until a few years ago, the Borough Secretary was the Secretary for the Authority. Over the years, we have not been able to find records. Mr. Butkus stated that the records were not properly kept throughout the years. We must straighten them out. Mr. Francis Butkus just received Mr. Binder's records. He is requesting that we purchase three (3) big drawer files that lock. Records have not been properly stored. This should not have been. Just before the Borough moved, papers that the prior Secretary said were not there were found in the old Borough Hall. Mr. Francis Butkus asked if that was not correct. Mrs. Shade stated it was; she found them. The document that was in question, (he was holding it) was signed by Lower Heidelberg Supervisors and Authority. Mr. Leiby said they should have a copy if it was signed by them. South Heidelberg's Supervisors and Authority and Wernersville/Robeson Authority signed this agreement, Mr. Butkus stated. In addition, Mr. Binder and Regina signed it as well. Mr. Fitzpatrick stated Mrs. Shade just attested to his signature, she did not sign as the Borough Council. Mr. Butkus stated there were seven copies made; one (1) for Mr. Binder and the rest for the other municipalities. He stated he needs help bringing them in as there are a lot of them. Mr. Zerr stated that the one (1) room has been fixed up down in the basement. It is secure. It is ready anytime the Authority wants to move their stuff in. It has been ready for a year. Mr. Butkus stated he asked about that and he was told none of their records were moved down there yet. His assumption was that the Borough employees were going to move the stuff down from the back. The proper thing to do is sort through all that paper and refile the information as it is going downstairs, Mr. Butkus said. He felt this should have been done back when Regina and Mr. George Tindall were going through stuff to help Mr. Fitzpatrick put things together. Mr. Schmidt stated he thought new files were created from the stuff that was found at the old Borough Hall. Mr. Ludgate and Mr. Schlott both agreed there were. Mr. Butkus stated he did not know that. Mr. Fitzpatrick stated that it was true that the Borough Secretary was also the Authority Secretary up until a few years ago. He stated that was part of the problem. There was no clear distinction between the Authority and the Borough. In fact it got so bad; the Borough actually had the tapping fees in a Borough account. When Mr. Fitzpatrick saw that, he said, that can't be. We made the calculation and transferred the money over to the Authority. He believes part of the problem was no distinction. It was probably mingled in. Clearly there is a distinction. They are their own separate entity. He believes that we should pledge working together just like Council stated to find out exactly what the capacity is. He again believes this should be resolved before any action is taken to disband the Authority. The allocation with the State was long before Mr. Fitzpatrick was our Solicitor. Mr. Butkus stated it was placed on us by DEP. He explained it was from the old landfill. Mr. Fitzpatrick asked if we still have a continuing obligation for that capacity. Mr. Butkus stated yes. That does not come to us. It is not coming to us anymore. Mr. Butkus stated we have some real big problems and he was looking for

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Mr. Fitzpatrick's thoughts. Mr. Butkus stated they have some projects that they must do. He feels that there is a lack of confidence in the Authority. He feels there should be an up and down vote one (1) or another. Mr. Schmidt stated he is not in a position to vote on this at that time. He will ask Council but he feels based on the discussion that evening he feels it should be tabled. Mr. Butkus told Mr. Schmidt using his own psychology in this one. You forced the vote on the resolution with the other three (3) not knowing anything. Now, you have a problem because you don't have enough information. Mr. Leiby questioned that in the resolution it said the Authority was not to incur anymore debt. He wondered if that meant that they were to stop the Mt. Home Road project. Mr. Schmidt said no. Mr. Fitzpatrick stated as Mr. Hoffert told you as the Authority the resolution means absolutely nothing from a legal standard. He told you that. You are perfectly permitted to. The resolution was simply a declaration of intent of the majority of Council at that moment. Your Solicitor has advised you, he told him that he did, that the resolution means nothing. Mr. Fitzpatrick fully acknowledges that too. The Authority can do whatever it wants. The concern is that if actions were taken in the interim to incur additional debt, it would have an adverse effect on the Borough. Some action was taken by the Authority which will have an adverse effect on the Borough and the Authority regardless if there is disillusionment or not. Debt was paid off at a low interest rate....debt that we were carrying at a very low interest rate. The Authority knowing full well, that there was a presentation done by the Authority engineer stating millions of dollars of repairs should be made to the system. Money will have to be borrowed now... that money was used to pay off low interest debt that may have a real adverse effect on the whole community. Mr. Fitzpatrick stated it may, just may hurt the entire community depending on the interest rate that we get. Mr. Fitzpatrick said if we would go out today for borrowing we would never get the rate they were paying on that loan. Mr. Biggs stated they did what they did on the advice of their legal counsel. Mr. Fitzpatrick stated he also knew their counsel told them the resolution has no impact at all and he agrees with him on this issue as well. The issue was to table the motion. Mr. Schmidt called for a roll call vote. AYES – 4, NAYS – 2, ABSTAIN -1; motion carried. Mr. George Butkus questioned if it would be advantageous for the Authority to be the only ones responsible for these records. Mr. Zerr questioned Mr. Hart if there was a lock on the room downstairs that they wanted to store the records in. Mr. Hart said there was a hasp installed for the lock. Mr. Zerr said that room was dedicated to the Authority based upon the request of Mr. Francis Butkus. It is rated for fire. Mr. Zerr questioned Mr. Francis Butkus if the records of Mr. Binder were to be stored there. Mr. Francis Butkus stated yes. He continued that Mr. Schmidt told him that the Borough wanted to use it also. Mr. Schmidt said they were going to do that, but he is willing to forego that and let the Authority store only their paperwork there. Mr. Fitzpatrick continued that the Authority's files should be controlled by the Authority and the Borough's file controlled by the Borough.

The next visitor was Mrs. June Duncan. She had nothing to say at this time.

COMMUNICATIONS:

Mr. Schmidt read a letter dated April 5, 2007 from Mrs. Harvey Brown regarding the Brookfield Manor playground and the visibility regarding trees, the water fountain does not work, and the grass needs some work. Mr. Light spoke with Mrs. Brown. He explained the water has not been turned on so that is why the fountain does not work. Two (2) truckloads of topsoil are coming

COMMUNICATIONS (cont'd):

and we will be reseeded it. A discussion ensued about the trees and the safety issues. Mr. Zerr asked Mr. Ludgate if he spoke to Ryan Homes. Mr. Ludgate said they could replace any dead trees but they will not be able to add any new trees for the safety reasons mentioned by Mr. Zerr. Mr. Ludgate also explained that Brookfield Manor was not paid for with any tax dollars. It was built by the developer.

APPROVAL OF BILLS:

Mr. Light made a motion to pay all the bills; seconded by Mr. Wenrich. Mr. Zerr said there was a bill that was sent to us to pay from the fire company. We did not pay it and he does not see it on the list of paid bills; however he wanted Council to be aware that bill will be discussed later in executive session and that it will be going back to the fire company for them to pay. AYES – 7, NAYS – 0; motion carried.

MILLER ENVIRONMENTAL REPORT:

Mr. George Butkus stated for the last year we have been running under an experimental permit from DEP. We have been using a bio augmentation process. We have completed that test and we have done better than the State's requirements. In addition, our plant has placed first in the State in efficiency based on the size of the plant.

Mr. Roger Hillibush of Miller Environmental gave the monthly report for March, 2007. The February DMR 2007 was completed and sent to PA DEP during the month. There were no violations. The bio augmentation trial began March 1, 2006. The February 2007 report was sent to the PA DEP along with the DMR. This was the final report, as per PA DEP we were to achieve a minimum of 30% volatile solids reduction, the calculated reduction for the test period March 1, 2006 through February, 2007 was 36.8%. We received a letter from the PA DEP saying the test has been completed and no further monthly reports need to be sent. Commercial user permit renewal letters and applications were sent out. The first quarter 2007 local limits testing, billing, and data entry was completed. Two (2) NOV's were issued. Industrial/commercial water meter readings were completed. The quarterly in-house laboratory Q/C studies were completed. The following is the wastewater flow data for the month - total monthly flow – 29,085,800 gallons, average daily flow – 938,300 gallons, maximum daily flow – 1,073,300, minimum daily flow – 819,800 gallons. There were no violations. The following percentages are each municipalities contribution to the total flow – Sinking Spring – 76.8% (includes an un-metered portion of Spring Township), Lower Heidelberg – 15.4%, and South Heidelberg – 7.8%. The total rainfall for the month was 4.60 inches. The Miller staff completed the routine operation and maintenance duties, responded to twenty seven (27) PA One calls. There was one (1) service call. The service call was 711 Spring Street. The lateral was clogged due to children putting sticks and stones down the vent pipe. They televised the lateral and found a problem at the transition leaving the trap. The problem was reported to Mr. Hart. The staff read the collection system flow meters five (5) times during the month. The number one (1) Scum Pump was picked up by Municipal Maintenance on 3/5/07 for rebuild. Mr. Hart pinpointed the water leak at the plant; the Sinking Spring Street Department excavated and repaired the leak. Miller staff installed a new utility water strainer in the chlorine system. They flushed 765 feet of sanitary sewer main during the month. Mr. Fitzpatrick questioned

MILLER ENVIRONMENTAL REPORT (cont'd):

how Mr. Hillibush arrives at the percentages of flows for each of the municipalities. Mr. Hillibush has a spreadsheet he uses plus they go out and read the collection system meters on a weekly basis. Mr. Fitzpatrick again questioned if there were flow meters in place. Mr. Hillibush stated there are no flow meters for Spring Township. They are working meters and he does feel secure that the meters are working. A discussion ensued as to when the scum pump might be back. Mr. Hillibush's understands that the pump is already done but the cable is bad.

SEWER ENGINEER REPORT – DAVID SCHLOTT, JR.:

Mr. Schlott stated the Chapter 94 Report was completed and sent to the PA DEP as required. The maximum monthly BOD loading for 2006 was 2,124 pounds per day. It is believed that this high loading was attributed to the local flooding which occurred at the end of June, 2006 in combination with the unseasonably high flow and flushing of any accumulated solids within the system. In addition, flushing was occurring during the system-wide televising project, which likely dislodged accumulated solids as well. Mr. Schlott stated they listed why it was high but PA DEP might feel that the plant is hydraulically overloaded. The plant is still meeting the concentration limits. There are no violations in them. Based on the existing conditions (five years ago and five years in the future) we might be overloaded. The report also indicates that the wastewater treatment plant's rated design capacity is projected to be hydraulically and organically overloaded within the next five (5) years. We believe this is attributed to the fact that population projections were revised in this report, subtracting out the portion of South Heidelberg Township which is presently diverted to the Spring Township wastewater treatment plant. A discussion ensued about what would happen if a pump station was built. Mr. Schlott feels it might intensify the problem. Mr. Fitzpatrick stated that if we calculate out the amount that is currently being flowed to the Borough by Lower Heidelberg based on their percentage of contribution that would be 149,307. This means that they would still have about 85,000 gallons they could discharge. However if you look at the flow, if they did, we would be over the rated capacity already. That is just one (1) municipality. Mr. Schlott did say we were working hard at getting rid of the I&I. The treatment plant is rated for a million gallons a day. It is rated to handle 2,002 pounds of BOD a day. ARRO was asked what could be done at the plant without adding an oxidation ditch. They would like to do a modification and a re-rating of various facilities within the plant. In other words, see how much capacity could be obtained. The report found that the plant could be re-rated to a capacity of 1.25 MGD. The following modifications are needed: addition of mechanical fine screen device, modifications of the influent pumps, addition of a new 43 foot diameter final clarifier, modification to flow division box number 2 to accommodate a third clarifier, addition of a RAS pump and controls for third clarifier, effluent flow meter modifications, and the addition of eight (8) reed beds. It was also recommended to replace the two (2) existing influent grinders with a mechanical fine screen in lieu of adding a third grinder which would be necessary to achieve the proposed capacity. The cost is about 4.5 million dollars. ARRO continues the work with the Sewer Use Ordinance implementation. Mr. Fitzpatrick asked Mr. Schlott if when they compile their Chapter 94 Report, do they take into consideration the zoning in different municipalities? Mr. Schlott stated they look at then number of residential connections and then multiply times the census to that municipality. Then they take the average daily flow for the huge industrial users, (see what that number comes to), and then divide that by 90 gallons per day per person to back into a population. They add the two (2) numbers together and that is the population that the flow is serving. A discussion ensued. Mr. Schlott stated the Chapter 94 is basically a report card that shows which municipalities might be in trouble.

REPORTS OF COMMITTEES AND OFFICES:**LIBRARY - DENNIS LEIBY:**

Mr. Leiby stated the rug was discussed. Mr. Ludgate was to get information on that.

They were also discussing the sign out front and what design they were looking at. The Friends of the Library will be paying for it.

Mr. Ludgate stated it is a piggy back on the Department of General Services so it won't be bid (the carpeting). If they are happy with a design and Council does not object we can get the carpet. Ludgate recommends the piggy back. It is a lot better quality than what we have there now. The cost is somewhere in the \$12,000 to \$13,000 area. Mr. Schmidt asked if this was installed. Mr. Ludgate stated it is the installed price. A discussion ensued into the logistics. Mr. Wenrich made a motion to move ahead with the carpet in the library based on the engineer's findings and in addition we will piggyback off the State's contract; seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried.

PROPERTY AND MAINTENANCE – BRUCE LIGHT:

Mr. Light brought up at the workshop meeting about the outstanding job our street's department did during the snowstorms. He wanted again to thank them for a job well done.

On April 13th the awning will be going up over the back steps to the police and library.

Vester Place work will begin in June. The curbs are in the process of being repaired.

He thanked the companies that contributed to our egg hunt. In addition, he thanked the fire company for a job well done. He also thanked the rec board for another great job.

RECREATION – BARBARA KUTZ:

Mrs. Kutz stated that Dorothy Schmidt gave her the information about the egg hunt as she was unable to be there. They raffled off an Easter Basket and took in \$126.00. They will be using that money to buy plastic Easter Eggs for next year.

The Rec Board will be now gearing up for the Memorial Day Parade.

PUBLIC SAFETY – JAMES ZERR:

Mr. Zerr said the task force of the fire company has been meeting regularly. The next meeting will be April 10th.

The Rt. 422 Corridor Study has assigned a project engineer. The next meeting will be in late April. The agreements will be finalized hopefully at that time.

PUBLIC SAFETY – JAMES ZERR (cont'd):

Everyone was given copies of both the police and fire department activities.

The Safety Committee along with the Chief is looking at a safety concern at the corner of Vester and Woodrow.

Mr. Wenrich questioned if there was any information on the box controller for Penn and Mull Avenues. Mr. Zerr stated they are still awaiting the arrival of the parts from China. If we need one (1) in the meantime, there is one (1) available in another municipality. Mr. Zerr stated our real issue right now is Cacoosing and Penn Avenues. It appears that the water line workers are messing up the lines down there almost on a daily basis. We will be sending a bill to PA American Water Company for the time our fire police, regular police, and Telco have spent down there along with any expenses.

MAYOR NOECKER:

Mayor Noecker stated we accepted the resignation of Dennis Moyer a few weeks ago. The Civil Service Commission has been activated. The Chief along with the Mayor had made some recommendations for changes to the Commission. They would like the candidate to be at least twenty one (21) years old. These changes will need to be made to the Ordinance. They would like to see the Veteran's Preference be added to the ad. In addition, all of the examinations, tests, ratings, these types of things will be done by the PA Chiefs of Police Association. Mr. Schmidt stated we can accept the recommendations and that would allow the Commission to begin the process of putting together their lists if that would be agreeable to Council. By the time this is enacted we shouldn't be too far in the process. Mr. Zerr made the motion to accept these recommendations and move forward with the process; seconded by Mr. Wenrich. AYES – 7, NAYS – 0; motion carried. Mrs. Shade questioned if the fee will remain at \$35.00. Mr. Zerr along with the Mayor agreed that the fee should remain the same. Mr. Falter feels we should appoint the doctors that are used for the tests. Chief Ulrich stated he thought that the Commission recommends them. Mr. Falter stated that was true but the Council appoints them based upon the Commission's recommendations.

ADMINISTRATION – STEWART WENRICH:

Mr. Wenrich met with the Committee and had a productive meeting. Mr. Wenrich is making progress on updating the handbook. It will be presented to all of Council for their review.

The ad ran for the new clerk. Mr. Zerr, Mr. Light, Mrs. Shade, and Mr. Hart did the interviewing. The position was offered to a candidate, she accepted did the drug and alcohol testing which was fine; however she then decided she needed more money. The offer was made to the second candidate.

Mrs. Shade stated the website is up. It is a work in progress. There are links to the police and fire departments. Hopefully, within the next few weeks it will be up and running. It is hosted by the County at no cost to us.

SEWER AND SANITATION – GEORGE BUTKUS:

Mr. Butkus stated the sanitation committee met with residents that wanted to be on the ad hoc committee about trash payments for next year. He has most of the numbers. He was mistaken; we do not get any information from our trash haulers on the tonnage of trash we dump. He has talked to other haulers. He is hopping to go out to bid in July. Mr. Butkus read off dates and locations of hazard waste collections by the County.

He again thanked Miller Environmental for the outstanding job they are doing.

Spring cleanup is Wednesday, April 25, 2007.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart wanted to get Council's approval to go out to bid for the Vester Place project.

Currently we are looking at the south side of Vester at the alley, the Grande property; there is no stormwater system in place there. He explained how it runs and would like to install a catch basin. He is looking if we can do it and if possible the Borough staff will do the work.

Mr. Stine brought up at the workshop meeting about the lateral work on Park Avenue. Mr. Hillibush did televise the lateral and there are serious leaks at the bottom of the trap. He sent the property owner a letter stating this issue needs to be addressed as soon as possible.

At Brookfield right across from the playground a huge sinkhole is opening up. It is currently not the Borough's problem. Mr. Schmidt drove by and it appears to be getting larger every day. It is currently on Ryan Homes. Mr. Schmidt stated with Grande we held some money in escrow for these types of things. Mr. Ludgate stated we did and we will be holding more money for this area. They have a pattern of sinkholes at the beginning of construction. Mr. Hart questioned if we should have seismic testing done. Mr. Ludgate discussed this with Mr. Elliott and he is supposed to be talking with the company we used in the past and getting prices on this.

Mr. Hart would like Council's permission to take his first residential building inspector's test in Harrisburg on June 9, 2007. It is a cost of \$100.00. Mr. Butkus made a motion to authorize Mr. Hart to take his first test toward obtaining his residential building inspector's license at a cost of \$100; seconded by Mr. Wenrich. AYES – 7, NAYS – 0; motion carried.

Mr. Wenrich made a motion to authorize Ludgate Engineering to go out for bids for the Vester Place project; seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried.

Mr. Zerr questioned where we stood on the garage. Mr. Hart said we received an answer from the insurance company and they told us to move ahead with the repairs. He called the contractor and he is checking on the turn around time on the new overhead door. Once he gets that information he will contact us and let us know when he can start. He is hoping within the next two (2) weeks.

BOROUGH ENGINEER – ROBERT LUDGATE, JR.:

Mr. Ludgate said the Dunkin Donuts plan was submitted to the Planning Commission at their last meeting. The Planning Commission reviewed the revised plan. They are recommending that Council grant conditional final plan approval subject to the following conditions:

1. To receive confirmation in writing from Mr. Gary Kraft that the revised plan has addressed all of his concerns.
2. PA DEP sewage approval of their module

These are the only two (2) outstanding conditions. Mr. Wenrich asked since that was an old gas station site has any testing been done. Mr. Ludgate stated they had a Phase I environmental study done by a company. A report was prepared. The report must have shown no problems otherwise they would have not bought the property. There will be no Baskin Robbins. Mr. Wenrich made a motion to accept the Planning Commission recommendations and grant conditional approval subject to the conditions mentioned above; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

Another plan that was presented to the Planning Commission is the Sickafus Minor Subdivision. Mr. Sickafus owns what we call “the Joe Dell properties.” Mr. Sickafus submitted a minor subdivision plan. He is looking to subdivide the old bank and the old white apartment building. The plan subdivides the property into four (4) lots. Mr. Ludgate explained what would be on each lot. Lot 1 would contain the bank. Lot 2 would be an “L” shape lot next to the bank. Lot 3 would be a large lot about 7 1/2 acres which would go up to the railroad. Lot 4 would encompass the old white apartment building. Lot 4 would be subject to a further land development plan by the operators of McDonalds. His attention is to buy the land from Sickafus and tear down the apartment building and put an outdoor eating area and a play land there. It was reviewed by the Planning Commission and their recommendation is to consider granting conditional final plan approval with the following conditions made to the plan:

1. The lot layout would be revised slightly. They are slightly over the 50% impervious coverage.
2. The Solicitor reviews the language and approves the joint driveway access.
3. The location map is revised to show the new zoning districts.
4. The existing water and sewer lines or laterals are depicted on the plan.
5. If any review comments were given by ARRO, they need to address them.
6. They will be revising their lot 3, to depict a right of way that they will grant to the Borough at no cost for the building of a cul-de-sac on Krick Avenue at some time in the future.

Mr. Wenrich stated that on the parking lot of the old bank is the “spring” that the Borough is named after. Is there anything in place to preserve that, Mr. Wenrich asked. There is a plaque there. Mr. Ludgate stated this is merely a plan, they don’t know who ultimately will own lot 1. At this time, it is on the historic registry. Mr. Ludgate does not feel anyone will try to put a pipe in there. It will be quite difficult to do. Mr. Leiby wondered if it would be in the interest of the Borough to make this a condition of approval. A brief discussion ensued. We can ask that a restrictive note be placed on the plan. Another discussion ensued as to what is on what lot. Mr. Hartman, Sickafus’ engineer, said that they will be removing some of the impervious surface. Neither of the driveways will be closed by the plan. The subdivision plan just creates lots that could be sold to other people.

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

If someone wants to build on these lots, they will need to submit a land development plan. Mr. Butkus questioned if the breakdown on these lots allows enough space for whatever they might want to do. Mr. Ludgate stated it does, it matches or exceeds what our zoning requires. It is not an issue. As of today, Mr. Sickafus granted the land to build the cul-de-sac. He will not build the cul-de-sac. A discussion ensued. There are no improvements so no agreements are needed at this point in time. We don't know who will own what lot. This plan just creates four (4) lots. Mr. Hartman will need to come back in front of Council with a final plan. Mr. Zerr made a motion to table this plan till they come in front of Council with a final plan showing the conditions being met and the preservation of the spring; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried. There will be seven (7) conditions now, Mr. Hartman questioned. Mr. Ludgate reviewed the comments and concerns.

Mr. Ludgate read the letter from Mr. Robert Ludgate, Sr. It pertained to the downtown revitalization of Sinking Spring. He contacted Mr. Sam Loth of the Main Street Project in West Reading. Mr. Loth contacted people at the Michael Salavaie Company. They called Mr. Ludgate and asked for more information. They feel this area is promising due to the high traffic count. They will visit the area before making any firm commitment. They will be in the area the following week. The golf course is off the list but the Boscov is still a viable possibility. Mr. Ludgate put a note on the bottom of the letter it read "in evaluating Traditions conditional use; do be aware of the additional impact upon the already stressed intersections along Penn Avenue. Perhaps Traditions will make a substantial cash contribution which could be seed money towards making the major improvements to Penn Avenue that I have suggested and that Councilman Zerr and I discussed with PENNDOT in our meeting with them last month." This was the redesign of Mull, Penn, and 724 intersections. Mr. Dennis Toomey of PENNDOT feels that Council should be aware, in his opinion, this will impact traffic on Penn Avenue. Council might want to make them pay for improving the intersection as part of a conditional use. A sales agreement has been signed between Boscov's and another developer. There are no plans submitted at this time.

Mrs. Kutz said that the VFW might be interested in purchasing some land in back of them. Mr. Ludgate stated they should talk to Mr. Pat Sickafus.

FIRE CHIEF – RONALD WENTZEL:

He stated he made his presentation.

UNFINISHED BUSINESS:

The Berks County Uniform Construction Code was discussed. Mr. Fitzpatrick reviewed the document which he stated was to use them as an appeals board. There is a fee which we must pay and he believed it to be about \$200.00. It is currently up and running. Every applicant that will make an appeal will need to pay for his costs. It will not cost us for any appeals. A discussion ensued about our fees and the amount we charge. Mr. Leiby feels it is ridiculous to pay \$50.00 and then have to pay another \$50.00 for a use and occupancy permit. Mr. Ludgate did not think that was right either. Mr. Ludgate explained why we charge for a use and occupancy permit. Mr. Hart stated they do pay those fees. Mrs. Shade explained that it is true we do charge for that. This is to

UNFINISHED BUSINESS (cont'd):

pay for the building inspector going out and doing an inspection to make sure the fence is placed in right area. Mr. Butkus made a motion to join the County Appeal's Board with the stipulation that the Board is up and running; seconded by Mr. Wenrich. AYES – 7, NAYS – 0; motion carried. Mrs. Shade stated that is why we charge for the fence or any other building. It is for the inspection to make sure that the zoning is carried out. Mr. Ludgate feels we can change the fees if we want. Mr. Hart explained how he is handling this. He told them that he will not give them a Certificate of Occupancy till he inspects the property.

The next item was the Mutual Aid Agreement. It will be done in May.

The PENNVEST Agreement was next. This is the modification of the amortization schedule. We did not borrow as much money as we could have. The amount is \$515,041.77. The principal amount of the loan is \$501,135.07 at the current time. He recommends the adoption. Mr. Zerr made a motion to adopt the new amortization schedule; seconded by Mr. Wenrich. AYES – 7, NAYS – 0; motion carried.

NEW BUSINESS:

Mr. Light requested from Council who will be in the parade. Mrs. Sandi needs to know.. The parade is Monday, May 28, 2007 at 10:00 a.m. He thanked Council.

Mr. Light would like to have the May meeting begin at 7:00 p.m. so we can hold a Meet the Candidate's Night for the people who are running for Council. It will just be Council.

PUBLIC COMMENT:

There were no public comments.

TREASURER'S REPORT:**General Account**

Opening Balance – March 31, 2007	\$	406,061.09
PLGIT		8,382.24
Invest		44,451.72
Recreation		
General Invest		13,603.29
To Be Paid	\$	<u>52,610.27</u>
	\$	419,978.07

Sewer Account

Opening Balance – March 31, 2007	\$	325,185.43
PLGIT		56,400.07
Invest		108,539.57
Sewer Revenue		
To Be Paid	\$	<u>5,228.40</u>
	\$	484,896.67

TREASURER’S REPORT (cont’d):

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

EXECUTIVE SESSION:

An executive session was called for by Mr. Zerr for a personnel issue at 10:40 p.m.

RECONVENE:

Council reconvened at 10:50 p.m. Mr. Zerr made a motion to hire Holly Guldin as a clerk at a rate of \$10.50 an hour, and upon completion of a probationary period of six (6) months go to a rate of \$11.00 per hour and the start date of April 23, 2007; seconded by Mr. Wenrich. Mrs. Shade informed Council the drug and alcohol testing came back negative. AYES – 7, NAYS – 0; motion carried.

ADJOURNMENT:

Mr. Butkus made a motion to adjourn at 10:50 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer