

The workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, May 27, 2009 at 7:00 p.m., at the Sinking Spring Borough Hall, by President Stewart Wenrich. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

Stewart Wenrich  
Bruce Light  
Lawrence Schmidt  
James Zerr  
George Butkus  
Barbara Kutz  
Elizabeth Sloan

Other officials present were: Mayor Clarence Noecker; Charles Fitzpatrick, Borough Solicitor; Robert Ludgate, Sr., Ludgate Engineering; David Schlott, Jr., ARRO Consulting, Michael Hart, Public Works Director and Regina Shade who recorded the minutes of the proceedings.

**VISITORS:**

There were no visitors.

**BUSINESS:**

The first item was the Friends of the Library would like to use our basement for their book sale. This has been done several times in the past. It would be October 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup>. Mr. Zerr made a motion to allow the Friends of the Library to use the basement as long as the follow the same protocol as before; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried. Mr. Butkus wanted it noted if they leave books lying on the floor and they become damaged, it is not the Borough's responsibility.

The next items were the agreements with Spring Township and the farm lease. Mr. Butkus stated that the sewer committee reviewed the agreement with Spring Township. This mirrors the one (1) with South Heidelberg as much as possible. It reflects the appropriate capacity for Spring Township. He wanted to note that with this agreement we are not requiring Spring Township to build the so called "Taj Mahal" pump station. We are granting them ownership of their pipe and easement through our right of way of their parallel interceptor that runs along the main interceptor line by the creek. Mr. Wenrich questioned if they will retain ownership and maintenance of that line to which Mr. Butkus said yes. Mr. Butkus reviewed it and he is in agreement. Mr. Butkus stated this combines all the older agreements into one. Mr. Fitzpatrick agreed however there is still one (1) agreement that is not in there which is the Terrace Agreement. Mr. Butkus made a motion to adopt the Spring Township Agreement; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. The next agreement was the farm lease agreement. This was the farm property that is outside the sewer plant but owned by the Borough. It was originally used this way as a way to cut down on grass cutting costs. It was reviewed in committee. There is a clause that deals with non-till farming. Mr. Butkus felt if we leave that in there, it will make it hard for the farmer to farm it long term. It will be hard to mix any type of fertilizer in it. Mr. Fitzpatrick did say we have to be

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careful as it is close to a stream and it does slope that way. Mr. Wenrich stated a barrier will need to go in. Mr. Fitzpatrick stated there is a 120 foot buffer. Mr. Wenrich feels that is more than enough. Mr. Butkus feels we should wipe out the portion about tilling. Mr. Wenrich stated Mr. Fitzpatrick should review the agreement, talk with the farmer and get his feelings on it and we can vote on it at the next meeting. Mr. Butkus stated we would be paid a dollar a year. Mr. Garber is the farmer.

Mr. Butkus stated for the PENNVEST and DEP we need to appoint an engineer to oversee the construction. Mr. Schlott has prepared a service agreement just like what was done for the design phase. He explained what the contract is and when people will be out there monitoring what is going on. Mr. Schlott stated this is the construction service for the one (1) year construction period project. It will be the inspector out at that site as well as the progress meetings with the contractor and reviewing the applications for payments as well as review of the shop drawings. The total cost of everything is \$268,000.00. This was included in the PENNVEST request for funding. Mr. Zerr questioned who would be the supervisor engineering company to which Mr. Butkus stated ARRO. Mr. Butkus made a motion to execute the agreement with ARRO Consulting; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

Mr. Schlott gave a summary of the PENNVEST and where we stand with the expansion. A closing date has been established with PENNVEST for the 16<sup>th</sup> of June. It is done electronically. This means all the information must be given to them a week ahead of time. This means the two contracts will need to be executed at the next meeting. There are some things that need to be done before the closing. Mr. Schlott handed out copies of the contracts with Wickersham and Hirnesien. He would like Council to review them before we execute them at the next meeting. Mr. Schlott explained some of the other forms that will need to be signed for PENNVEST and the reason for them.

The next item was the automatic debit for sewer payments. It was discussed earlier in the year to try to add credit card payments and ACH to our system to allow customers to pay their bills. The credit card service was established earlier this year and now Mrs. Shade stated we are asking Council to move ahead with the automatic debit service. We have gotten several requests. There is a one (1) time setup fee of \$100.00; a monthly fee of \$30.00 and a fee of .15 per item every time it is used. Mrs. Shade feels with the amount of requests we receive it would be advantageous for us to give the residents this option for payment. It will take a few months to get this up and running as the residents will need to supply us with the information. It is not as easy as the credit cards were. A brief discussion ensued as to how this works. The fee is less for the auto debit then for credit cards. Mr. Zerr made a motion to move ahead with the auto debit for sewer payments; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

The next item was the resolutions for the Revitalization Committee. Mr. Jim Pachuillo stated that Mr. Loth sent a letter to Council explaining how the grants work. He also forwarded the two (2) resolutions as well. One is a façade improvement grant for \$30,000 and gets matched by the actual user of the grant. The other is the \$250,000.00 PA New Communities Downtown Reinvestment Grant Program. This is a matching grant. It appears that the match will become known to them about three (3) years down the road. There are a whole lot of fields that would be

**BUSINESS (cont'd):**

used for the match such as administrative, planning, services, staff salaries, etc that could offset the match amount. This all goes toward that. In the end, there will be none or little out of pocket money to the Borough for that program. Mr. Fitzpatrick has looked at them and they appear acceptable. Mr. Pachuillo stated since every grant application is different we shall have Mr. Loth give an explanation of what the money will be used for and those types of things. Ms. Sloan stated the \$250,000 grant would mean we do need to kick in \$125,000. But it could be cumulative, like money that is already spent. Mr. Wenrich stated the intersection down there to which Mr. Zerr was not sure. Mr. Pachuillo said he talked with Mr. Loth and that could be used. A brief discussion ensued. Mr. Ludgate stated any monies being spent on the project can be used as matching funds. Some grants do require a cash match, some do not. Each grant needs to be looked at individually. The Committee is also looking into private foundations for some grant money as well. Ms. Sloan stated that since this a 50/50 match we are going to either have to come up with the money or credits in the amount of \$125,000. It is for the infrastructure for the whole project. A brief discussion ensued about how this money could be used. Mr. Butkus stated we can count the work we have already completed on Penn Avenue; however aren't we going to have completely change the work we did down there. Mr. Zerr stated no, that he has the projects mixed up. He is confused by the Corridor Project. This is for the intersection. Mr. Butkus stated then we are using as a match the cost of the map. Mr. Pachuillo stated that was correct. Everything we have done up to date could be used against the match. This is showing the DCED we have garnered dollars to be used toward the project. There will be an audit at the end. Ms. Sloan stated it is the same with the façade as well. Mr. Pachuillo said no, that the match for the façade will come from the property owner. The property owner will submit the paperwork; the Revitalization Committee will review it and make the award. This grant will come to us year after year; we don't need to reapply for the grant. Mr. Butkus questioned for how long. Ms. Sloan stated till they cut it off. No one can really know the answer to that question, someone said. Mr. Butkus had another question in regards to the bigger grant. He stated what happens to this money if for some reason this project can't happen at this time. Both Mr. Ludgate and Mr. Pachuillo stated you can turn it down. Mr. Ludgate stated that if they deem the project worthy you will be given a contract; if you don't want the money; you just turn down the contract, like any contract. That is exactly what happened with the LUPTAP grant. They offered the money to the Borough; the Borough accepted it and signed the contract. Mr. Zerr made a motion to adopt the \$30,000.00 façade resolution; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried. Mr. Zerr made a motion to adopt the \$250,000.00 Downtown Reinvestment Grant; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

The next item was the Ordinance for the traffic signals. Mr. Fitzpatrick stated that the municipalities that took part in the traffic signal project were seeking to attempt to hire one (1) vendor that would maintain and service all the lights. This is the Rt. 422 Corridor Project. There is one (1) has been advertised for enactment that evening. This would adopt or authorize the execution of an intermunicipal agreement. The agreement states that all the municipalities must agree to enter into it or otherwise it fails. We have complete right not to accept the contract. Mr. Schmidt made the motion to adopt the Ordinance; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

The next item on the agenda was the highway engineering consultant in regards to the PCTI funding. Mr. Schmidt stated the next day was the big day. They were to announce the recipients of

**BUSINESS (cont'd):**

the grant money from PCTI. Mr. Schmidt went on to say this is funding from PENNDOT to do work on Rt. 422. This is the work that would be done for the raising of Penn Ave. Mr. Schmidt said at this point he would like to wait till the following day to see if we got the money. If we did then we will need to move forward rather quickly with getting and RFP together and hire an engineering firm. Ludgate cannot do the job. They can't put together an RFP. He feels we don't need to do anything that evening but be prepared to move ahead at the regular Council meeting. Ms. Sloan questioned if any emergency meeting would be necessary to which the answer was no. There is another issue Mr. Ludgate stated. We talked with some people from PENNDOT and they suggested we might want to move ahead with the Highway Occupancy Permit. If we don't win PCTI funds we can induce private construction of the roads that are privately connected. Mr. Ludgate stated there is potential that three (3) private entities could come up with some funding. There is another fund available through the RATS Committee called C-MAC. This could become a hybrid project. Mr. Ludgate made the suggestion it might be in their best interest to have an engineer selected so we can take advantage if these funds become available to us. Mr. Schmidt stated he disagreed with him. He does not feel we should do anything until we see if the PCTI comes through or not. If they don't come through, it is a whole new ballgame. The developer of the Boscov's site is interested in enlarging their footprint. Mr. Schmidt knew that. They would assist us. In order for that to happen through the Berks Reinvestment Authority which is looking at redevelopment there, we need to define the right of way there. We need to complete preliminary highway engineering so that is the catch 22. If you want their development to happen you need to establish the right of way line. He stated you may want to move forward with this in the back of your mind. Mr. Zerr questioned what Mr. Schmidt's thought processes were. Mr. Schmidt stated he would really like to see if we get the PCTI funding. If we don't get the money then we are going to have to sit down with developers and look at this in more detail. We will need to know how much money they are willing to put out. Mr. Ludgate stated the first phase could be five (5) million dollars. Mr. Ludgate said for private construction, it probably could get done for between 3.5 and 4 million dollars. Mr. Schmidt stated we would then need to know how much money they would be willing to put in before we actually start looking for monies. We probably would need to borrow about 3 million dollars. Mr. Ludgate stated if you are going to proceed at all you will need the highway engineering firm. We are going to be looking at least a portion of the money to be federal funds. Mr. Ludgate stated if federal money is involved you will not be able to designate your Borough engineer to continue design. Mr. Schmidt questioned Mr. Fitzpatrick if he had the chance to look over this. Mr. Fitzpatrick stated he had not. He did ask how much we are going to have to pay to have the RFP done and submit an application. Mr. Ludgate suggested Mr. Loth is familiar with the process and that he could do it. Mr. Ludgate stated Mr. Loth said it would be around \$180 with a cap of not to exceed \$500.00. Mr. Wenrich stated we really don't need to take action that night and by next Thursday we shall have a better feel of what might happen. Mr. Schmidt agreed. Ms. Sloan felt it was a prudent decision Mr. Schmidt was recommending. If we don't then we can revisit it. Mr. Light made a motion to table it however to be discussed at the regular meeting the following week; seconded by Mr. Schmidt. AYES – 7, NAYS – 0; motion carried.

Mr. Schmidt stated he received a letter from the Western Berks Ambulance and they are having a meeting on June 1<sup>st</sup> to talk to the municipalities again. We met with them earlier last year and they were looking for more money. We, along with other municipalities, told them we just couldn't afford to pay them what they were asking for however we did increase our annual

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donation. The meeting is at 7:00 p.m. to find out what we are going to do. Mr. Schmidt spoke to some other appointed officials and they said they had no extra money either. Mr. Schmidt will attend the meeting however he had no idea what he will be able to tell them. Mr. Wenrich stated that we make the contribution and anytime that ambulance rolls in, it probably costs our citizens an additional \$500 to \$600 for that call. It is usually paid by their insurance. Ms. Sloan stated her daughter took it last year and it was \$1,000.00. Mr. Zerr stated when he had his accident on March 17<sup>th</sup>, it cost him \$1,500.00. He said all they did was monitor his blood pressure. Mr. Zerr feels it should be the public's choice if they want to participate or not. He does not feel that the Borough should have that additional obligation. Ms. Sloan stated it is almost like an additional tax on the Borough. It is covered under most people's insurance. That was Mr. Schmidt's stance on it also but he did want to inform Council about it.

The other item was the electric. Mr. Hart stated that the Berks County Cooperative Purchasing Council is working on this issue. He continued what we will need to authorize a resolution that will approve or allow the Purchasing Council to act on our behalf whenever they go for their rates and approve it. The reason for this is because the rates change so fast they need to be able to act right away and not wait till each municipality meets, discusses it, and then act upon it. They want to lock it in. They want a resolution to allow them to act on our behalf. Mr. Schmidt stated that PPL becomes unrestricted at the end of the year. Your rates are going to sky rocket, he said. The unmetered electric will be jumping 125% and the metered portion would be between 30% and 40%. This is just commercial properties. You will be seeing a big increase in your home electric also. Mr. Wenrich stated that Mr. Hart will be sitting down with a contractor the following day who sells capacitors. It monitors your electric coming and monitors it to make sure it is working at full capacity. Mr. Fitzpatrick stated they have a form resolution. Mr. Fitzpatrick will see that we get that form. Mr. Fitzpatrick questioned who the Borough is going to appoint to be the Borough rep to which everyone stated Mr. Hart. Mr. Zerr made the motion to appoint Mr. Hart as the agent for the electric co-op with the Berks County Cooperative Council; seconded by Mr. Light. Mr. Butkus asked for how long these are bids for. Mr. Hart stated they were not sure but either three (3) or five (5) years probably. AYES – 7, NAYS – 0; motion carried.

Mr. Schmidt questioned if we could talk about the property on Queen Street. Mr. Fitzpatrick stated they are meeting the next day however they did receive the appraisal. He will know more after tomorrow.

Ms. Sloan stated we need to appoint a new fire trustee. Mr. Bob Williams does not want to serve as a trustee. She stated he was not asked. Ms. Sloan stated Deb Bohn who works in the office is interested in being the new trustee. She has a lot of fire background. Ms. Sloan made a motion to appoint Mrs. Bohn as the new fire trustee. This is in no way connected to her job here; seconded by Mr. Schmidt. Mr. Butkus wanted it clarified this is not part of her paid job. Mr. Wenrich stated she is aware of that and she is just giving back to her community. AYES – 7, NAYS – 0; motion carried.

Ms. Sloan requested that she be allowed to use some of the signs that were up for the Memorial Day Parade. She needs a duck crossing sign. She said there are two ducks that cross over to her property three (3) times a day and now there are eight (8) babies. So soon, there will be

**BUSINESS (cont'd):**

ten (10) ducks crossing over to her yard. They have almost been hit a few times. It might slow down traffic some.

Ms. Sloan questioned Mr. Fitzpatrick if he was familiar with the DROP program. He was not. It stands for Deferred Retirement Option Program. It is for municipal employees in the State of PA. Each municipality must adopt it on their own. She believes Wernersville is doing it. She does not know about Spring Township. What it does, it is for employees on the payroll and she is not sure if it is just police, she thinks it is all employees, it allows them to drop out of the pension. They can still work another five (5) years but it helps the municipality as they are no longer paying into their pension. She knows someone who is familiar with this and she would like him to come and address Council about it. It is not a contract item. Mr. Fitzpatrick knows nothing about it. Mr. Zerr stated it was for police and fire. Mr. Fitzpatrick feels it would be helpful if Council got the information before the meeting so they can review it. Ms. Sloan just thought it might be a way of saving the Borough some money. A brief discussion ensued on this program.

Mr. Ludgate wanted to mention how great the Memorial Day Parade was. He also passed out some papers that showed what the Revitalization Committee was working to make the downtown look like. They were guidelines. There were also comments by experts pertaining to this type of thing. Mr. Ludgate also stated that the LUPTAP Committee will be meeting at the Borough Hall at 8:30 a.m. on June 9<sup>th</sup>. They have had two (2) positive responses from municipalities from the west. They all have been invited. In addition, they have gotten a positive response from PA American Water Company. In addition, the Berks County Planning Commission will be sending a representative.

Mr. Butkus questioned Mr. Hart regarding PA American Water. He was under the impression that there was no work to be done on Park Avenue. Mr. Hart stated they weren't going to. Mr. Zerr stated they are putting a line down as it was part of the stimulus money. Mr. Hart said that was correct. There was a discussion on whether the fire hydrant went in. Mr. Hart stated they couldn't put the one in on Park Avenue. Mr. Wenrich was certain he did see a hydrant up there near the bridge. Mr. Hart said that they must have squeezed it in because they originally told him they wouldn't be able to put it in. Mr. Zerr said we approved three (3) hydrants. A brief discussion ensued.

Mr. Hart stated 99% of the stormwater pipes have been repaired over in Brookfield Manor. They are working on what is left. They walked the entire Brookfield Manor subdivision that day and marked the pavement for blacktop repairs. This will be starting within the next two (2) weeks. Mr. Fitzpatrick questioned how we stood with the letters of credit. Mr. Ludgate said they want a release of funds. Mr. Ludgate requested meeting with Mr. Fitzpatrick on this issue before anything is presented. Mr. Ludgate feels something should be released but he is not sure how much. The sanitary sewer will be reviewed the following day.

Mr. Butkus stated before construction is started at the plant, they will be switching oxidation ditches we are primarily using.

**BUSINESS (cont'd):**

Mr. Hart had another issue with regards to the Mt. Home Road sewer connections. To date three (3) are hooked up, another three (3) have paid their tapping fees and will be hooking up as soon as they can get them scheduled, and there is one (1) property that has received three (3) notices; he spoke to them and they don't have the finances to do it. He received one (1) quote (he owns two (2) properties) to do the connection. The plumber is going to charge him \$7,500.00 for the plumbing connections. Our tapping fees for both will be \$5,000.00 plus the plumbing permit. He does not have the money to do that. We can do two (2) things; just walk away from it or do it and lean the property. It is sewer related so we can lean it if Council so chooses. We can bill them accordingly. Mr. Fitzpatrick stated we can bill him as though he did have service; that usually gets people moving as they don't like to pay for something they don't have. The other way, is the leaning way. If he still doesn't pay after we bill him then we should lean it. Mr. Wenrich questioned Mr. Butkus if he would like to discuss this with the sewer committee and come up with a recommendation. Mr. Butkus said he will. He feels personally we should just do it and straight lean it because of the time of year we are getting into. Mr. Wenrich stated we have given him an extension already. Mr. Hart said, two (2) extensions. Mr. Zerr feels we should just move ahead and make the connections and lean the property. Mr. Butkus made a motion to have Mr. Hart coordinate the work and get the last connections done and inspected and we shall lean the property based on legal contingences; seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried.

Mayor Noecker stated that Officer Lee Schweyer will be going to the hospital on June 8<sup>th</sup>. He will be out for about six (6) to eight (8) weeks. It is for his hip however it is not work related. Mr. Schmidt questioned how this will affect the twelve (12) hour schedule. Mayor Noecker stated he spoke to the Chief and they feel we can handle it. Mr. Schmidt questioned with minimal overtime. The Mayor said there will be some overtime but not extensive. The Mayor told the Chief to use the part timers. Mr. Schmidt said this whole twelve (12) hour shift is based on the fact that we have hopes it would cut back on the overtime. They Mayor said that was correct however it is only temporary. Mr. Schmidt said if he is out the six (6) to eight (8) weeks we are pretty well into that ninety (90) day trial period.

Mrs. Kutz stated she had a notice from the Wilson Football Team requesting a donation for supporting the program. Ms. Sloan questioned what was given in the past. Mrs. Shade stated we gave between \$75 and \$100 for the soccer team in the past. A brief discussion ensued. Ms. Sloan stated they were very supportive of the parade and the nice letter they sent, she feels we should give them something. Mr. Zerr made a motion to give the \$100; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

Mr. Zerr stated with the dry hydrant, the fire hydrant was tested and we are getting 1,575 gallons out of it. Mr. Wenrich stated that is a good flow. Mr. Zerr said that was an excellent flow. Mr. Zerr felt the boys did a great job.

Mr. Wenrich stated we received a communication from the Wilson Football Team stating how much they appreciated the Borough allowing them to participate in the parade with their float. The boys and girls had a fantastic time. They want to return next year. He said that just goes to show there are outstanding youth around. It also shows what an outstanding job the Borough had done as well. The pats on the back go to the staff. The public works department, the office staff,

**BUSINESS (cont'd):**

and the fire department. Everything worked so well. Mr. Wenrich spoke to Mr. Ronald Wentzel, Fire Chief, and he said things were working so well at the beginning of the parade. Mr. Wenrich stated kudos to Mrs. Shade and her staff and Mr. Hart and his staff, the Borough couldn't have done it without them. Mr. Wenrich said he had quite a few people stop and tell him how nice it was. They told him that a lot of times the Veterans are forgotten. Mr. Ludgate stated the Grand Marshal was outstanding. Mayor Noecker was very surprised at the carriage and all that was done for him. Mayor Noecker stated it was very, very nice. The driver was nice. He thanked Council for doing that for him. Mr. Zerr stated that we got some very nice press about the parade on Channel 69. They interviewed people on the route. Mr. Wenrich stated everything went well. Mr. Wenrich stated Mrs. Shade said there were a few little hiccups but on one really knew about them. Mrs. Shade thanked the community for coming out and supporting not only the Borough but the Veterans. Many Veterans were standing and saluting as the parade went by.

**PUBLIC COMMENT:**

There was no public comment.

**ADJOURNMENT:**

Mr. Zerr made a motion to adjourn at 8:22 p.m. seconded by Mr. Schmidt.

Respectfully submitted,

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Regina M. Shade  
Borough Secretary/Treasurer