

The workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, June 24, 2009 at 7:04 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; Keith Mooney, Borough Solicitor; Robert Ludgate, Sr., Ludgate Engineering; Bradley Smith, ARRO Consulting, Michael Hart, Public Works Director, James Oxenreider, Chief of Police, and Regina Shade who recorded the minutes of the proceedings.

VISITORS:

There were no visitors.

BUSINESS:

Mr. Mooney requested we adopt the Resolution of the purchasing of electric from the Berks County Cooperative Council that had been discussed prior. It has been reviewed and is ready for the Borough to adopt that evening. Mr. Zerr made the motion to adopt the Berks County Cooperative Council's Resolution for the electric purchases; seconded by Mr. Light. Mr. Butkus questioned what was the rate? Mrs. Shade stated this is still part of the process to allow us to be in on the quote. AYES – 7, NAYS – 0; motion carried.

The next item was the Local Shoppes of Sinking Spring. Mr. William Siler with JDH addressed Council giving them a brief synopsis of where they are. They received preliminary plan approval from the Planning Commission the evening before. The plan is contingent on a few items. Most of them are details that they are in the process of working out with Mr. Ludgate and Mr. Hart. They are on schedule to start work in August. They will be back in front of Council on July 15th asking for preliminary final approval at that time. A few of the conditions are technical items a lot of which have been addressed. Steckbeck Engineering is going to be finalizing them. Mr. Mark Magrecki, who is with Steckbeck will be going over the plan with them. He will hit some of the high notes. They will be granting a permanent easement agreement for the retail road that will cut through the site from Shillington to Queen. That is in the process of being drafted. They plan on having that all cleaned up for the July 15th meeting. The second item is an agreement regarding Queen Street and the improvements there and a cost sharing agreement on the traffic signal on the road improvements to widen Queen Street and align it with Blanbrid across Rt. 422. The last piece is an agreement that deals with some of the BOSS 20/20 plans at the west end that might happen there. Those are the big items. He turned it over to Mr. Magrecki. Mr. Magrecki showed the plans. There were five (5) items they spoke about at the Planning Commission the evening before.

BUSINESS (cont'd):

One (1) of Mr. Ludgate's recommendations was putting in a speed table in front of the grocery anchor. He showed on the plan there will be two (2) ramp locations, flanking the anchor store. Then in front of it along the main entrance it would be flat like a table. These sides would have about six inch ramps and eight feet coming up to a tabletop. There would be some type of treatment on it that perhaps makes a noise or a rumble. It just raises the traffic up to the pedestrian level. It is traffic calming. We will be resubmitting the details to Mr. Ludgate for his review. Another item was a retaining wall paralleling the 422 frontage. They will be pushing into the slope a little bit and the comment was from the public safety aspect. They questioned whether someone could fall. They will be minimizing the height of the retaining wall from eleven (11) feet down to seven (7) feet and there will be a protective fence along the back of it preventing anyone from falling or skateboarding off. Another issue was with Queen Street. Currently there are three (3) parallel spaces on the western side of Queen Street. They will be holding the eastern curb edge to how it is now. There is a low retaining wall as well as some nice landscaping. They want to hold that edge and when Queen Street slips over to align with Blanbrid, they will actually be able to pick up four (4) parallel parking spaces on that side. That means we will be able to actually add another space so the residents shouldn't lose out of on their parallel spaces they have on Queen Street. Another item is that they added a stormwater infiltration bed to address the NPDES requirements. This goes along with water quality and all the other items that are needed. In addition, they have been able to eliminate a great amount of asphalt that exists out there. They will become planting beds. There should be about fifty three (53) deciduous trees and eleven (11) pine streets. Lastly on the County's review letter, they had mentioned a desire for bicycle racks and since they are trying to create a more pedestrian friendly environment, they will be locating three (3) bicycles racks on this property. He showed where the racks were going to be placed on the map. This is Phase I; there is still another parcel on Shillington Road which will be developed later. Those are not being presented at this time and another land development plan will be needed at that time. They have planned for those facilities in the overall traffic study and stormwater management. There were some questions by Council as they looked over the map. Mr. Wenrich stated with the main anchor store, do you have a possible client for that store. The answer was yes. Ms. Sloan asked what the anchor store will be and they answered it would be a grocery store. It would be about 35,000 square feet. Ms. Sloan questioned how many parking spaces there will be. He said the full build out plan has 332 parking spaces; required is 315. He believes the first phase consists of 260 spaces. It all complies. Mr. Wenrich stated he heard there was a fairly large write up in the newspaper that morning, he was wondering what was the Planning Commission's viewpoint. He understands that it has preliminary final plan approval. Mr. Ludgate stated that was correct with some conditions which he has supplied to Council. There were four (4) conditions. He explained them. He said they were some of the items that they had just gone over. Mr. Wenrich just wanted everyone to know that the Planning Commission "gave it their blessing." Mr. Ludgate stated at the Planning Commission there was discussion whether they would give approval that evening or opt for a special meeting before the next regularly scheduled Council meeting. They felt comfortable with the plan the way it sits to offer recommendations for this evening. Ms. Sloan questioned if the technical issues are minor and don't need to be laid out here. Mr. Ludgate said they are mostly conditions that engineers will recognize but they won't affect the plans or the project. Some are utility issues; some are administrative and others are legal issues. Mr. Zerr asked Mr. Ludgate if this will have any effect on the coordination of the lights on Penn Avenue as they have worked

BUSINESS (cont'd):

rather hard to get that project completed. Mr. Schmidt stated the new light will be included in the new setup. Ms. Sloan stated she had a couple of questions. She asked if the speed table was going to have speed bumps or what. Mr. Magrecki stated it was not; it was like what you might see on tapered driveways. He explained how it will work. She asked if he had any comments on the asbestos removal. Mr. Magrecki stated they are aware of it and it will be done very safely. The next question stated was that they said there would be significant asphalt reduction, she asked from what to what. Mr. Magrecki stated they are removing about 6/10 of an acre. Right now, the existing coverage is about 92% when they are done it should be about 84% when they are completed. Mr. Wenrich stated that was a significant reduction plus they are putting up trees. They are meeting the NPDES requirements as well. Ms. Sloan's stated that this is a very good project and large project; she questioned whether three (3) bike racks are sufficient. He said for now yes, however new ones could be added around the site if necessary. He said the grocery store is built more as a neighborhood store rather than the standard suburban grocery store. She asked if the underwater collection of the stormwater will be redistributed to take care of the trees. He said it will be a stone bed as large as possible. It will actually soak back into the ground and doesn't get reused. He went on to say they are taking the water from the roof leaders not the parking lot. Roof water is very clean. Mr. Butkus asked if the parking lot water gets handled through our regular stormwater system to which Mr. Hart stated yes. Mr. Harting questioned about the light from the signage they might use. Mr. Siler explained how it will work (inaudible). Mr. Wenrich stated being that the Planning Commission gave tentative approval; he was looking for a motion to give them tentative approval as well. Mr. Light made the motion to grant JDH Corporation tentative plan approval for their plan of the old Boscov's site; seconded by Mr. Schmidt. Mr. Wenrich asked for a roll call vote. AYES – 7, NAYS – 0; motion carried. Mr. Mooney stated the contingences that are listed for the plan are the contingences that are listed in Mr. Ludgate's correspondence of June 24, 2009. Mr. Wenrich stated we are giving the same kind of approval as the Planning Commission as done. Mr. Siler questioned about the planning module. Mr. Brad Smith from ARRO was there to handle that. He asked Council for the Borough to authorize the signing of the planning module and to adopt a resolution for the official plan revision. Mr. Butkus explained why we need to do the planning module. The capacity is at the plant. Mr. Butkus made a motion to execute the endorsement of the planning module and the adoption of the resolution for the revision; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

PUBLIC COMMENT:

There was no public comment.

BOROUGH SECRETARY/TREASURER – REGINA M. SHADE:

Mrs. Shade stated in regards to the intersection at Queen Street, she had sent out an e-mail stating that we could use Liquid Fuels money to pay for the light at the intersection so we won't need to use General Fund money. Currently we have no road projects. Mrs. Shade was looking for a motion to allow us to use Liquid Fuel money for the intersection work. Mr. Light made the motion to use the Liquid Fuels money to do all the necessary work at the Queen Street/Blanbrid intersection; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

SEWER – GEORGE BUTKUS:

Mr. Butkus stated that those members of Council as well as the community that have not heard, the construction back at the plant should begin on July 1st. They shall be starting to bring in equipment. There is a preconstruction meeting the next morning at 10:00 a.m. and Mr. Butkus was planning on being there.

Mrs. Shade stated that we did it; we had our closing on the low interest PENNVEST loan on June 16th. Mr. Butkus stated that is what allowed us to start so fast.

Ms. Sloan asked Mr. Hart if he has any concerns over the JDH project. Mr. Hart stated no, that they have bent over backwards and jumped through hoops to make this plan easy for the Borough. Mr. Schmidt stated they have worked very, very hard. Mr. Wenrich stated the Planning Commission grilled them the night before as well; this is why he felt we could give them the approval that night. Ms. Sloan stated that Mr. Ludgate has been on top of it as well.

COUNCIL PRESIDENT – STEWART WENRICH:

Mr. Wenrich said this was in regards to the noise ordinance. We never did adopt one per se. There were issues on the decibel levels. Mr. Wenrich stated the prior Saturday night; it was way, way too loud at the Railroad House. He realizes Mrs. Kutz works there. Mr. Wenrich stated he and Ms. Messina were sitting in their living room and they had to shout to one another to talk. He does not want to see business leave the Borough; but at the same time there were four (4) residents on his street that asked Mr. Wenrich if there was something he could do. They asked if he could make them turn it down. Mr. Wenrich told them he would look into it; however we don't have any real leverage at this point other than to call the police. At that point it would be up to the police officer's discretion on what to do. Mr. Zerr stated we do have a noise meter now. Mr. Hart stated the only ordinance we have now is for industrial use. Mr. Mooney stated if you want to go on a noise meter you can; however they have another ordinance that was drafted and used by other municipalities. He said there is a court case that has actually upheld the language. Mr. Zerr made a motion to draft a copy of that for the Borough and to have it here for the July 15th meeting; seconded by Ms. Sloan. Mr. Wenrich requested this information be given to Mrs. Shade prior to the meeting so she can distribute it to Council before the meeting. Mr. Wenrich stated that he does not want them to leave the Borough; it is just that his live music is a bit too lively. Mrs. Kutz stated she actually spoke to the owner about this as Mrs. Shade gave her the information we currently have and use. AYES – 7, NAYS – 0; motion carried. Mr. Zerr stated that Mr. Hart needs to send a letter Spring Valley; they are in violation of the industrial noise ordinance. They begin that machine before 7:00 a.m. He asked Mr. Hart to review the ordinance and if he is right, to please send a letter to them. Ms. Sloan questioned how long the ordinance is. Mr. Mooney stated perhaps a page or two at the most.

She then asked if Mr. Fitzpatrick had spoken to him about the DROP Program. Mr. Mooney stated he had and he has the information. He will be back at the July 15th meeting and we shall discuss it then. He knows what the pros and cons are for that. Ms. Sloan questioned if he could send out some information on that as well to which Mr. Mooney stated he could. He would like to review it prior to the 15th.

COUNCIL PRESIDENT – STEWART WENRICH (cont'd):

Mr. Butkus stated the way some of the noise ordinances are worded it makes it almost impossible to have anyone be able to mow their lawn after 5:00 p.m. on a Saturday. Mr. Butkus just wants to make sure we get to a happy medium. Mr. Wenrich stated we are here for the benefit of the community and we might need to temper the Ordinance. Mr. Light asked Mr. Zerr if we didn't address this issue a few years ago. Mr. Zerr said it hasn't been addressed. At 4:00 a.m. the blowers are working. Mr. Light thought we did that to which Mr. Zerr stated it appears it is not being enforced then.

Chief Oxenreider stated if that type of noise happens again, to please call the police. At the very least they can tell them to cut the music or at turn it down. He just was encouraging people to call the police if they have a complaint.

ADJOURNMENT:

Mr. Light made a motion to adjourn at 7:40 p.m.; seconded by Mr. Butkus.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer