

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, July 15, 2009 at 7:00 p.m., at the Sinking Spring Borough Hall by Vice President Bruce Light. After the Pledge to the Flag, Debra Bohn called the roll reflecting the following Council Members present:

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

Other officials present were: Mayor Clarence Noecker, Keith Mooney, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, Michael Hart, Public Works Director, Chief James Oxenreider, Brad Smith, ARRO Consulting, and Debra Bohn, Administrative Assistant, who recorded the minutes of the proceeding.

Mr. Light requested a moment of silence for our armed services, police and fire departments.

APPROVAL OF MINUTES:

Ms. Sloan made a motion to approve the minutes from the June 4, and June 24, 2009 meetings; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT - 2 (Mr. Wenrich and Mr. Zerr); motion carried.

VISITORS:

The first visitor to address Council was Mr. Jim Giuffrida, owner of the Rail Road House. Mr. Giuffrida wanted to just let Council know exactly who he was. He has been in operation for almost two (2) years now. He told Council a little bit about himself. He is very happy operating the Rail Road House. He wanted to let Council know he owes the community a debt of gratitude for affording him this opportunity. He stated he is aware of the concern that has been raised a few weeks ago about the noise level at his establishment. He went on to say he only became aware this was a problem a few weeks ago, when it became a problem for the rest of the community. The windows were open and he too thought it was quite loud. He said he is aware that Council is looking at a noise ordinance or a nuisance ordinance. He said as soon as he became aware of this he started looking into it himself. He walked up and down the block checking it out for himself. He has radically changed the schedule. He has eliminated most of the bands he was going to bring in and his bringing in bands that are calmer and acoustical. He said within the last two (2) weeks he was not aware of any complaints however if there were complaints to please let him know. If he needs to do more, he will. He wants to do whatever it takes to be a welcomed contributor of the community. Mr. Light questioned the Chief if there were any complaints. The Chief responded (inaudible).

COMMUNICATIONS:

Mrs. Bohn stated there were no communications.

APPROVAL OF BILLS:

Mr. Schmidt made a motion to pay the bills; seconded by Ms. Sloan. AYES -5, NAYS – 0, ABSENT - 2; motion carried.

REVITALIZATION PROJECT:

Mr. Pachulo stated there were a few major developments that have happened to BOSS 2020. The first is they secured some visitors to the meeting the following evening. Senator Folmer, Representative Cox, and County Commissioner Barnhardt will be there. It is very important that other elected officials outside the Borough know where we are going. He urged Borough Council to attend. He encouraged everyone to come out and show their support and meet their elected officials.

The next item has been worked on by Mr. Bernie Campbell and Mr. Jim Adams. It is a report showing the positive financial impact it will have to our Borough as this project moves forward. He turned the floor over to Mr. Campbell who put on a power point presentation to Council. He thanked Council. He tried to estimate the impact of the BOSS 2020 development might be for Sinking Spring. He presented to Council a worksheet. He went on to explain about the information on the power point. (A copy of the presentation will be attached to the minutes). He stated this is focused on the main area only; not the peripheral areas. He stated he used some of the information from the Tilden Township's study from 2005 to come up with the percentage of cost increases that the Borough might see due to the projected growth. This is just an estimate and he added a little bit more to buffer it on the high side. Based on all the calculations he said he calculated an almost \$199,000 income for the Borough for this project per year. The Wilson School District should see about an increase of \$900,000.00 in revenue for this project. The County should see about an increase of almost \$300,000.00. He said this is just the "single tunnel vision" part of the project. He stated he also estimated what the sewer impact might be with the project. The tapping fee is what it will cost someone to hook into the sewer system per EDU. Square footage per EDU is the retail footage per EDU. He stated the way he has it set up now is that they are individual however you can set it up as a building as being one (1). Mr. George Butkus said each apartment counts as an EDU to which Mr. Campbell stated that is what he has there. He is using 1,400 has the average square footage. This is a pretty big apartment. The base sewer rate is \$20.00 per month that he was showing. He explained how he broke it down. He said the estimated tapping fee for this project up front would be a half a million dollars. The projected total yearly income for sewer would be over \$100,000.00. Mr. George Butkus asked how he came up with the average income for new employees of roughly \$30,000 per year. Mr. Campbell stated in his research and after talking to several people that appeared to be the appropriate number. Mr. Butkus asked if there was any accounting if the buildings are not full; what happens if they go out of business. Is there an accepted number for vacancies? Mr. Campbell stated he could not answer that because it is not part of the expertise or what he looked to fine. He can look into that however if he stated

REVITALIZATION PROJECT (cont'd):

something at this point he would just be making it up. The hope is with a vital downtown, you don't have that problem. Based on West Reading, Mr. Campbell said, they have a waiting list for people to come in. A brief discussion ensued. Mr. Campbell stated he had a few diskettes with the program on it for people; they can go on and change things around and see the new outcome. Mr. Campbell stated again these are very conservative estimates. This may or may not be. As we move further along it will become clearer. Mr. Butkus feels he is way out of whack on parts of it both sewer and other areas. He explained why he thought that (inaudible). Mr. Ludgate reminded Mr. Francis Butkus that Mr. Campbell's estimates were low. Mr. Campbell thanked Council for the opportunity to show this to Council.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the report for June, 2009. He stated we started moving forward on the construction project. They completed televising James Street and began working on Queen Street and the rear of the Boscov's property for this project. They rescued an owl that dove into a sludge digester. They conducted a site visit of Dunkin Donuts with ARRO Consulting. They discussed methods of preventing violations and followed up by sending information regarding fat, oil, and grease removal to the facility. Personnel from Four Leaf conducted electrical measurements on two (2) occasions. Turning the oxidation ditch aerator on and off multiple times on 6/19/09 resulted in a partial plant upset during which solids rose to the surface of the clarifiers. Normal operating conditions were restored without any permit violations. They sent permit renewals to four (4) of the industries. After the end of the month they were received and executed by the Borough. There was some lightning related damage from a strike on June 26, 2009. The chlorine sensor, several annunciator boards, and some telephone equipment were damaged. The telephone equipment was repaired. The chlorine sensor was sent out to be rebuilt. The annunciator was replaced using a combination of spare boards and using boards in unused slots. As of that date all equipment has been repaired; it is now in the insurance companies' hands. Total flows for the month – total monthly flow was 16,631,000 gallons. Total precipitation for the month was 4.89 inches. The contributions by each municipality are Sinking Spring – 67.3%, Lower Heidelberg Township – 24.3%, and South Heidelberg Township – 8.4%. Mr. Butkus questioned if Mr. Juzyk wanted to discuss the RAS pump. Mr. Juzyk stated it was the raw sewage pump not the RAS pump. There was an outage of one (1) of the three (3) raw sewage pumps. We are usually operating one (1) pump at a time. During high flow events the second pump needs to come on line and during exceptional high flow events we might need to put the third pump on line. The drive was checked out by Reading Electric. There was no damage to the motor. As of that day another electrician looked at it and felt it was a drive issue. He will be providing an estimate to bypass the variable frequency drive so we can operate the pump at 100%. He thinks it will be in December when the new pump is around. The pump is okay. A bypass will be done and they are gathering the costs on this.

SEWER ENGINEER – ARRO CONSULTING:

Mr. Brad Smith of ARRO gave the report. He reminded Council that we did receive a four (4) million dollar PENNVEST low interest loan. They are under contract with two (2) contractors and that it began on July 1st. The H2O Grant results were awarded the day before and the Borough

SEWER ENGINEER – ARRO CONSULTING (cont'd):

was turned down. A follow up inspection of Brookfield Manor was done on June 30th at the request of the contractor to inspect the caps for the laterals. There are some items which need to be addressed, none of which are within the roadway. They are working with the developer on this issue. As far as the Local Shoppes of Sinking Spring go, the appropriate sections of the planning modules have been completed; the planning modules were returned to the developer's engineer for submission to DEP. They have received some correspondence from Lower Heidelberg Township looking for sewer capacity. Shared costs bills were sent out to the municipalities. In addition, they are working with them on the agreements. Some questions arose in regards for what Lower Heidelberg is looking for to which Mr. Butkus stated it is one (1) EDU for a private citizen and the other ninety two (92) is for a developer. Ms. Sloan questioned if we had this. Mr. Butkus stated the sewer committee will be meeting to look into this matter however he believes it might be available. He went on to say this is above and beyond what they originally stated they wanted. Mr. Schmidt questioned if the electrical contractor was going to sub out the contract on the lightning portion of it. Mr. Smith was not sure about the answer as Mr. Schlott was working with them. He will check with Mr. Schlott however the original contractor must due at least fifty (50%) percent of the work. Mr. Schmidt stated he looked over the documents and he was wondering if there were as built somewhere in regards to the grounding systems that is out there. Mr. Butkus stated he hasn't seen them but he was told they should be part of the electrical. Mr. Schmidt stated he has not seen any. Mr. Schmidt stated due to the number of strikes out there perhaps we should take a look at that. He continued under the contract, and he could be wrong, but we are leaving the contractor do his own work; we aren't doing any engineering work. Mr. Smith stated it was his understanding there was no engineering that needed to be done. Mr. Schmidt disagreed with that. Mr. Smith stated that the surge protectors will be reviewed with the equipment package when it is delivered to the electrical engineer. That will be based on factory recommendations. Mr. Schmidt stated a lot of this is going to entail a new grounding system, he thinks. He was just wondering about this. Mr. Smith stated he will relay his question to their electrical engineer. A brief discussion ensued as to who should review the plans so this lightning problem can be rectified. Mr. Francis Butkus questioned Mr. Schmidt if a few years ago after one (1) of the strikes we had a company come in to survey the plant. Mr. Schmidt thought we did. He questioned if they ever had drawings or anything like that. Mr. Butkus stated he didn't see anything either. Another brief discussion ensued on grounding. Mr. Light stated we should wait and see what the sewer committee comes up with along with the engineers. Mr. Schmidt questioned if there were lightning arresters placed on the roof. The answer was inaudible. Mr. Francis Butkus stated we had gone thirty eight (38) years without a strike; now within two (2) years we have been struck three (3) times.

UNFINISHED BUSINESS/REPORTS OF COMMITTEES:

Chief Oxenreider stated for the month of June we had 174 calls, 33 traffic citations, 10 parking tickets, and 5 warnings.

Ms. Sloan stated there was no Library meeting this past month. There was an apron project started by Mrs. Sally McMahan and another resident. Mrs. McMahan has since passed away. They have several hundred aprons that they display. She will be asking the Library to perhaps put them on display. Mr. Light stated he hopes it goes off well as Libraries are struggling. Ms. Sloan stated that our Library has gone up by 6.3%.

UNFINISHED BUSINESS/REPORTS OF COMMITTEES (cont'd):

Mrs. Kutz stated the playground is up and running. It is doing quite well. That evening was Teen Night. She went on to state that Friday of that week there will be a car wash at the playground from 10:30 to 1:00.

Mayor Noecker said that Officer Schweyer is doing very well and should be back in about another four (4) weeks.

Mr. Light stated we need to place a person on the Board for the new E.I. T. collection beginning in 2012. Mrs. Bohn stated she is speaking on behalf of Mrs. Shade. Mrs. Shade would like to have Council's approval to go in with the Wilson School District, Lower Heidelberg Township and Spring Township to have a more weighted vote. We are small and we would not have much of a voice. Mrs. Bohn said by the year 2012 the State once only one (1) collection agency in each County. Currently, there are several that can do the collection and they want to streamline it down to just the one (1) per County. Mr. Mooney stated this is another State mandated thing. Every municipality is required to appoint a member and an alternate to the panel which will then discuss a County wide collection of earned income taxes. The hope is that within the next three (3) years each County will select one earned income tax collector for their County. Mr. Mooney stated right now we shall need to appoint our representatives because they need to be into the County by September 15th. The first meeting is in November. Mr. Schmidt made a motion to appoint Mrs. Shade to the Board with Mr. Hart being the alternate; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. Light feels we should appoint Mr. Hart to the Tulpehocken Watershed. Mr. Schmidt made a motion to appoint Mr. Hart to the Tulpehocken Watershed committee; seconded by Ms. Sloan. Mr. Hart is involved in stormwater management. Mr. Mooney stated about a year and a half ago new regulations came out to preserve our waterways mandated by DEP. We need to manage this watershed. A brief discussion ensued. Mr. Ludgate explained why we need to take care of our creeks and rivers. Mr. Mooney feels that we might be getting to a point where DEP mandates certain treatments of stormwater. Mr. Ludgate agrees. Another brief discussion ensued about watersheds and what can be placed into them. Mr. Light requested a vote be taken. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. Butkus stated the Sewer Committee did not meet that month because of scheduling issues. Mr. Butkus did attend the preconstruction meeting. He thanked Mr. Schmidt for hand delivering the permit to the sewer plant from Spring Township. They will now begin construction. Mr. Butkus feels we should be able to move ahead at the rate we were planning.

The first item on unfinished business was the agreement for the sewer plant with the farmer. No agreement has been signed at this point. Ms. Sloan wanted to know when it was going to be signed. Mr. Butkus stated he was not working with the farmer, Mr. Fitzpatrick was. Crops have been planted in the area where the expansion is to occur; however the farmer is aware he will be losing them. The farmer stated this will not be an issue. We are charging him a very minimal fee. Ms. Sloan asked again, when will this be signed? Mr. Mooney said he had no information on this.

The next item was the DROP Program. There was correspondence in their books on this.

UNFINISHED BUSINESS/REPORTS OF COMMITTEES (cont'd):

Mr. Mooney stated he sent the information to Council. Currently, we do not have the DROP Program but we are contemplating moving ahead with this. Mr. Mooney attempted to explain the DROP Program to them. DROP stands for Deferred Retirement Option Plan. When a person reaches normal retirement age whether it be twenty (20) years and fifty five (55) or twenty five (25) years and age sixty (60) for whatever the corresponding ordinance is, they can make a decision on whether to enter into the DROP Program. The program normally allows them to say "I am going to retire in three (3) years or up to five (5) years from now". On the date that the employee would technically enter into the DROP Program, they technically go on the Borough's rolls as a retired employee. However, they don't retire; they continue to work for that three (3) to five (5) year period. Their pension benefit is calculated as of the date they enter into the DROP Program. It does not increase for those three (3) to five (5) years that they continue to work. We start paying their pension benefit into a separate investment account the next month after they DROP. Their monthly pension money gets put into a separate account which they can't draw from until their date of their resignation. They continue to get paid their regular salary and benefits. It allows the municipality to do succession planning. If one (1) of our police officers DROP we know that within three (3) to five (5) years (they will state this when the DROP), we shall need to look for a new police officer. This is the benefit to the municipality. Ms. Sloan stated she understood they could work up to five (5) years. Mr. Mooney stated that is the maximum number of years they can work. There are no real rules or State statues. It is typically three (3) to five (5) years. She questioned when do they state how long they will continue to work? Mr. Mooney said when they DROP. Most programs don't have a penalty for early termination. Mrs. Kutz questioned what the employee's benefit is. Mr. Mooney stated for three (3) to five (5) years they are getting paid their pension benefit while they are getting paid. Mr. Mooney explained how it will work. Ms. Sloan stated once he DROPS, the Borough is not contributing to his pension anymore. Mr. Mooney said yes that is true and in addition, the officer begins drawing his pension out of the pension fund. He doesn't contribute to his pension anymore. The Borough does not receive any of the MMO money on behalf of that individual from the State. So when it comes to fund our pension plan, for each officer we receive two (2) credits to help fund the plan. If the officer elects the DROP Program we don't receive that anymore. If the officers make a contribution to the plan, we don't receive that money once they DROP. A brief discussion ensued. Mr. Schmidt questioned if the only benefit of this DROP Program is that we would know four (4) years in advance when someone is going to retire. Mr. Mooney stated that is the biggest benefit the Borough gets out of this program. In addition, if an officer sees he can retire with a lot of money and opts into the program, the Borough will have an experienced officer around a few years more than if they would just retire when he reaches retirement age. Mr. Schmidt asked if he was in the DROP Program, he could take that money and transfer it to another fund. Mr. Mooney stated no. He stated whatever your pension is you basically start collecting your pension but you can't touch it. It goes into an investment account that you can direct but you can't withdraw the money. Mr. Schmidt stated they are getting the option of investing the money where they so choose. Mr. Mooney stated that was correct. Mr. Schmidt stated he sees no advantage to this. Mr. Pachulo questioned how this works with collective bargaining units. Mr. Mooney stated it is a bargainable matter. The FOP could ask for that. Mr. Butkus stated this is an option but not pushed upon each officer. One officer could take it and another not. Mr. Mooney said that was correct. Mr. Butkus questioned once they agree to DROP if an unforeseen circumstance develops we can't ask the officer to stay past the five (5) years. Ms. Sloan stated that was correct. He would get penalized. A brief discussion ensued. Mr. Schmidt

UNFINISHED BUSINESS/REPORTS OF COMMITTEES (cont'd):

questioned if this binds our hands; if an officer does something wrong we can still get rid of him. The answer was we can discharge him or her if need be. Ms. Sloan stated we then aren't contributing towards his pension. Mr. Mooney said this is where the downside comes in. You aren't paying however you aren't getting credit for that officer either. We still have the obligation of making sure our pension plan is 100% funded. Normally, what happens when someone retires a new person comes in and fills that spot. They pay into the fund; the MMO goes into the fund for the new employee. He has another twenty (20) years to work until he is eligible to retire. All of this money would be going into the fund to keep it 100% funded however you will not be receiving any money. So when the State comes around two (2) years later, and you have people in the DROP, they evaluate what you must put into your fund to have it be 100% funded as your obligation as a municipality will be increased. Ms. Sloan stated in our small municipality it won't increase that much. Mr. Schmidt stated it doesn't matter it will increase. Mr. Mooney stated it won't increase like Reading or Philadelphia however it will increase. Ms. Sloan stated if we have an officer that DROPS and we hire a new officer and you want to get him up to speed isn't it more or less a wash. The answer was no. He went on to say if you hire a new officer while the old one is still employed then you raise the cost of manning that department. Mr. Schmidt stated isn't this premature as we have no one near the age or time of service. Mr. Mooney stated the actuary will always tell you that the plan as no financial impact on the municipality. The actuary makes an assumption. If you are old enough to retire you shall retire. He explained why they think this. Ms. Sloan stated you really need to crunch numbers. Mrs. Kutz stated what are the chances of us having our own police department down the road? Mr. Butkus made a motion to refer this back to the public safety and admin committees; seconded by Ms. Sloan. AYES – 4, NAYS – 1 (Mr. Schmidt), ABSENT – 2; motion carried.

Mayor Noecker stated there will be a meeting on the Rt. 422 Corridor Project the following Tuesday at 8:30 a.m. here at the Borough Hall. They will be meeting with PENNDOT, the signal control products people, and the persons who installed the signals. Heidelberg would like to join in this also.

NEW BUSINESS:

The first item that was discussed was Brookfield Manor. Mr. Elliott addressed Council. He brought two (2) representatives from Schloch Excavating with him that evening. Schloch did the improvements at Brookfield Manor. The final coat of paving was put on about ten (10) days ago. They are there to answer any questions that might be asked. He stated Schloch had been with them since the very beginning and they had a great working relationship. In addition, they had a great work relationship with the Borough as well. They appreciated the working relationship with Barley/Snyder, ARRO Consulting, Mike Hart, and Bob Ludgate and his crew. At this time the project is complete with the exception of three (3) or four (4) minor items. He was there that evening for release of the financial security. Ms. Sloan questioned what the minor items were. Mr. Ludgate stated they are listed however the list does not include the barricade at the dead end. The deed of dedication needs to be prepared. There will be some legal costs. Brad Midgette submitted an estimate of \$12,000.00 for the punch list of items. The major item is the sidewalk at the end of Cacoosing. The lesser item is the sidewalk at Lot #11. They need to have one; at this point it is not developed. It needs trees and an apron as well. There a few cracked driveways and sidewalks.

NEW BUSINESS (cont'd):

Mr. Ludgate feels we should allow for double that for the legal fees and the dedication. We need to have some funds someplace. Mr. Ludgate also feels we need to act quickly to get these streets on the rolls so we can get Liquid Fuel money for them next year. Mr. Schmidt asked how much would we be releasing. Mr. Ludgate stated in both of the accounts we have around \$500,000.00. Mrs. Bohn stated in Phase I, there is \$360,548.71 and in Phase II there is \$176,658.54. Ms. Sloan had a question on the street apron and the one (1) vacant lot; she wondered why the work hadn't been done. Mr. Elliott stated he has the lot under agreement. The buyer asked him not to do anything there as he was not sure how the house was going to be; which side the driveway was going to be on, etc. Mr. Elliott stated that Mr. Mooney was aware of this. The lot was used for staging. Mr. Mooney stated there are still some legal and engineering bills left to be paid. Mr. Mooney said Mr. Fitzpatrick wanted any money realized be contingent upon the paying of those outstanding bills. There is about \$60,000 in those bills. Mr. Butkus questioned if we still will have the guarantee. Mr. Mooney stated yes for eighteen (18) months for the maintenance bond. Before we would release the rest of the money, we would have the maintenance agreement and bond in place. There would be a separate bond. Mr. Light questioned what the total amount we would be giving back. Mr. Mooney stated the monies were given separately for each Phase. He said we want to keep some money in each of the phases. He suggested we release each one separately. Mr. Mooney suggested Phase I has more improvements to be done so he suggested that we keep about \$18,000.00 in that one and about \$6,000.00 in Phase II. Ms. Sloan wanted to call an executive session. Mr. Mooney asked why she wanted the session. She wanted to discuss this matter to which Mr. Mooney stated this was not an executive session matter. Ms. Sloan feels we should be higher. Mr. Butkus wanted to release all but \$20,000.00 from Phase I and all but \$10,000.00 in Phase II. Ms. Sloan stated how about \$60,000.00 and \$25,000.00. Mr. Butkus stated we are holding too much back. Mr. Schmidt feels we should hold what our professionals are telling us. It appears that's more than an ample amount. Mr. Butkus made a motion to release \$340,548.71 for Phase I and \$166,658.54 for Phase II with the condition the money that is owed to the Borough is paid first for legal and engineering; seconded by Mr. Schmidt. A brief discussion ensued. Mr. Elliott stated that he can't pay the legal and engineering unless the money is released. Mr. Butkus stated he is saying that he can't pay anything until the money is paid him. Mr. Butkus amended his motion to say that we release all but \$20,000.00 (\$340,548.71) from Phase I and all but \$10,000.00 (\$166,658.54) from Phase II and inform the bank that the Borough gets paid for the legal and engineering fees first in addition letters will be sent to the banks and to Mr. Elliott saying the same; seconded by Mrs. Kutz. Ms. Sloan stated shouldn't he sign the letter stating he is not contesting it. Mr. Mooney said no. Mr. Elliott said he was not going to contest it. Mr. Light asked for a roll call vote. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Elliott thanked Council. He had one (1) other matter which was the sidewalk at the corner of Cacoosing and Reedy Road. This was something the Borough requested of them and they did agree to do it. However, right now he has a problem of entering private property and laying down sidewalk. He will be happy to reimburse the Borough but he would not like to put a sidewalk in someone's yard. He sees it as a big problem. Mr. Butkus questioned if we could get a waiver from the property owner. Mr. Elliott said they were ready to install the sidewalk three (3) years ago. The property owner came to the Borough and raised a fuss. Mr. Elliott said the Borough came to him and asked them to back off and they did. They did set aside money to do that. In the last number of years, the cost to do that has escalated quite a bit. Mr. Schmidt remembers the incident. He questioned if we have an ordinance that states that they must put sidewalk in. Mr. Elliott isn't objecting to do that he is just hesitant to do that.

NEW BUSINESS (cont'd):

Mr. Schmidt understood. Mr. Hart stated that the sidewalk is in the Borough's right of way and if we want it there it can go there. Mr. Ludgate stated according to Borough Code we could require that homeowner to put the sidewalk in. Mayor Noecker questioned if we would have to do all of Reedy Road then. Mr. Hart stated Reedy Road does have it all along the far side. Mr. Hart stated it would be just on the one (1) side. Mr. Elliott stated in addition, there is a prize tree he doesn't want to lose. Mr. Mooney stated he did not know what was in the land development and subdivision plan. Mr. Elliott stated this was not. This was over and beyond that. The Borough asked that he do that; and they agreed to do it. Mr. Schmidt stated they have been very good to us. This is part of the money that we are not releasing. Mr. Hart will talk to the home owner. Mr. Butkus asked Mr. Mooney if we force the homeowner to put in the sidewalk could we be setting ourselves up if we don't force others to put in sidewalk. Mr. Mooney stated this is up to our discretion as we are the governing body. Mr. Butkus stated we have an ordinance requiring all new construction and upgrades to install it. Mr. Mooney said unless you give a waiver. Mr. Schmidt stated in this case we asked him to install it. Mr. Mooney stated this does not abut his development so he is not obligated to do it. Mr. Schmidt questioned if we are actually setting a precedence to make everyone put a sidewalk in. Mr. Hart stated actually (then became inaudible as people were speaking over him). Mr. Mooney said it is our decision. Mr. Ludgate stated many, many people use the sidewalk for walking. Mr. Schmidt said he does agree with Mr. Ludgate however he questioned if we were setting precedence by putting that sidewalk in. Mr. Mooney said we can do this on a case by case basis. We can't be sued for a money judgment, Mr. Mooney stated. We are immune unless there is injury being claimed. Ms. Sloan questioned if the gentleman is concerned about his tree, if it is hooked into the end of the sidewalk and then it is just moved out slightly so that it is still there. Mr. Ludgate said it is possible. There are things that can be done. The homeowner is not going to be happy because they will have the responsibility of maintaining the curbs and sidewalks, shoveling the curb and sidewalk, and the liability of the curb and sidewalk adjacent to his house. This will be the obstacle. Mr. Hart said he is getting free sidewalk though. Mayor Noecker said there is no sidewalk on Ruth Street, parts of Evans Avenue doesn't have sidewalk. We could never force them to put it in. Ms. Sloan stated it is a horrible spot; we should try to get the people to agree to it. A brief discussion ensued.

A car wash will be happening on Friday, July 17th at the playground. The time is 10:30 a.m. to 1:30 p.m.

The next item on the agenda was changing the meeting date in August. Mr. Schmidt stated the President will be going on vacation the first week in August. He wanted to change the date from August 6th to either Monday the 17th or Wednesday the 19th. Mr. Schmidt would like to meet no later than the 10th for some specific reasons. The 10th is a Monday. Mr. Light asked Council what their feelings are. Mr. Light feels that is why you have others on Council to fill in while he is away. Mr. Butkus means no disrespect to Mr. Wenrich or other members of Council however if we are going to try to continually move dates to suit one (1) member of Council or another, he feels we will have a very hard time conducting business. Mr. Light agrees with Mr. Butkus. Mr. Light stated you are confusing the residents. Ms. Sloan will be on vacation the week of August 6th herself. Mr. Butkus stated with Ms. Sloan away, will we have enough members for a quorum. A brief discussion ensued. Ms. Sloan stated she will be away for the fire meeting. She feels someone else should go in her place. Mr. Butkus asked who the second representative was to which Ms. Sloan

NEW BUSINESS (cont'd):

said Mrs. Bohn was. Mrs. Bohn will bring Ms. Sloan up to date so no other person will be needed. Mr. Schmidt asked if Council be polled to find out what date the meeting should be on. Mr. Butkus stated it is Council’s decision to hold the meeting on the August 6th date. If for some reason a quorum isn’t possible, then the meeting can be rescheduled. Mr. Schmidt agrees. Mr. Butkus made a motion to stick to the August 6th meeting date at 7:00 p.m.; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. Ludgate stated that the concept plans that Council had authorized was complete and he had them if anyone wanted to review them. These plans show road information under the Smart Transportation Guidelines. No hard engineering was done.

PUBLIC COMMENT:

Mr. Bernie Campbell said it was stated earlier in the evening about some of the things that are needed at the sewer plant and in the end it will pay big dividends. He wanted to ask Council although it is a much bigger project; he hopes that Council will look at the BOSS 2020 or the revitalization project in the same way. The Borough is brittle and we are plugging in plastic cards to keep it going and at some point an investment is going to be needed into the Borough in order for it to pay back dividends in the end. He thought it was a great analogy. He urged Council to look at investing in the Borough just as they did when they invested in the sewer treatment plant. Mr. Schmidt agrees with Mr. Campbell’s philosophy. He stated for this Borough to continue and be prosperous these changes are going to have to take place. He understands some people will have problems swallowing these changes; however the changes are going to have to take place to keep the Borough a separate municipality. Mr. Campbell stated we might have worded it wrong. It perhaps should be called an “Investment in Our Future” more than a revitalization project. He feels we need to look at it that way. He thanked Council.

TREASURER’S REPORT:

General Account

Opening Balance – July 15, 2009		\$181,653.11
PLGIT		9,077.31
Invest	Recreation	49,511.67
	General Invest	<u>4,341.66</u>
	Total Acct Funds	\$244,583.75

Sewer Account

Opening Balance – July 15, 2009		\$117,289.97
PLGIT		61,142.03
Invest	Sewer Revenue	<u>321,145.22</u>
	Total Acct Funds	\$499,577.22

Mr. Butkus made a motion to accept the Treasurer’s Report; seconded by Mrs. Kutz AYES – 5, NAYS – 0, ABSENT - 2; motion carried.

ADJOURNMENT:

Mr. Schmidt made a motion to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer