

The workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, July 28, 2010 at 8:09 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
Edward Oswald
George Butkus
Elizabeth Sloan
Denise Stine
Dennis Leiby
James Pachuillo

Other officials present were: Mayor Francis Butkus; Keith Mooney, Borough Solicitor; Bradley Smith, ARRO Consulting; Robert Ludgate, Sr., Ludgate Engineering; Michael Hart, Public Works Director; Police Chief James Oxenreider, and Regina Shade who recorded the minutes of the proceedings.

Prior to the meeting two (2) public meetings were held to adopt the new Zoning and Subdivision and Land Development Ordinances (SALDO). The hearings began at 7:00 p.m. Mr. Wenrich requested that we vote on the above referenced Ordinances at this time. Mr. Pachuillo made a motion to adopt the Zoning Ordinance as presented at the hearing; seconded by Mrs. Stine. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried. Mr. Oswald made a motion to adopt the SALDO with the correction of West Lawn be changed to Sinking Spring; seconded by Mr. Pachuillo. AYES – 7, NAYS – 0; motion carried.

BID OPENING:

The bid opening was for the Queen Street intersection signal project. Mrs. Shade provided Council with a bid tabulation form. We only received two (2) bids. The first bid was from Wyoming Electric and Signal, Inc. from Wyoming, PA. The bid amount was \$162,126.00 with a deduction for tree trimming in the amount of \$4,000.00. The second bid was from C.M. High, Inc. out of Myerstown, PA. The bid amount was \$113,400.00 and the deduction for tree trimming would be \$5,030.00. Ms. Sloan questioned if there were trees up there; she doesn't recall there are any. Mr. Pachuillo, along with the rest of Council said there were. Mr. Pachuillo questioned if both bids were in line to which Mr. Mooney said he was reviewing at that time. Mr. Butkus questioned Mr. Ludgate if we are going to be cutting the trees down on the north side of Penn Avenue. Mr. Ludgate stated no; it will be trimming them back so that the signals will be visible. Mr. Ludgate stated it would be expensive to take down those trees. Ms. Sloan questioned Mr. Hart if we could do that work ourselves. Mr. Hart said no. We could do it if we had the manpower as well as the equipment to do it. Everything is going out over Penn Avenue so in addition, you would need traffic control as well. Mr. Pachuillo said you might be able to put the signals up and not have to touch the trees and that is why the deduct is in there? Mr. Hart said no the trees will need to be trimmed. Mr. Ludgate stated since that cost was under \$10,000.00, the Borough could go out and get separate quotes for tree trimming. In addition, if there is any other tree trimming that needs to be done in the Borough, you might include this and end up paying less. They just wanted to give the Borough flexibility. Mr. Mooney said the low quote of C.M. High seems to be in order.

BID OPENING (cont'd):

Ms. Sloan made a motion to award the signal contract to C.M. High; seconded by Mr. Oswald. Ms. Sloan asked if they will be caring their own liability. Mr. Mooney said it will be in the contractual documents. Mr. Ludgate said that day they received a copy of the permit that was issued to JDH for this work. That permit requires PENNDOT to inspect. Mr. Wenrich stated the amount of \$113,400.00 will take care of the work and the tree trimming to which Mr. Mooney agreed. Mr. Mooney feels it is well worth it. Mr. Hart believes there are four (4) trees that need major trimming. AYES – 7, NAYS – 0; motion carried. Mr. Butkus asked what the time line was to have the work completed. Mr. Ludgate said the work must be done within the time frame and should be ready to go by October 1st. Mr. Butkus said then if we wanted to trim anymore trees we essentially must decide by the next meeting so we can go out to bid, open the bids and be ready. Mr. Wenrich said he had one (1) tree taken down and that was close to \$1,800.00. Mr. Wenrich said the traffic control cost alone would be unbelievable. He is all in favor of saving money but he is not sure this is it. Mr. Butkus questioned if they want Mr. Hart to look at what other trees need to be trimmed in the Borough has a side issue. Mr. Hart said for the trees that we have he would just like to take a local person and do that. Mr. Butkus just thought that he wasn't sure if he wanted to get a separate bid for those trees or not. Mr. Hart said he could talk with them. Mr. Wenrich thought it would be worth a shot.

VISITORS:

Mr. Wenrich said that Mrs. DiBiasi has left. It was his suggestion to have our Solicitor research the wording on how we can get a variance, amendment, whatever on her concern. Her issue was discussed at the hearings which were held prior. Ms. Sloan suggests that we should grandfather it in. We don't want to make the problem bigger. A brief discussion ensued. Mr. Wenrich directed Mr. Mooney to look into this and bring something to next week's Council meeting. Mr. Hart stated the focus was on her property and she kept earmarking commercial the word is actually nonconforming. We have a lot of them. Mr. Hart understands what she is looking for. She wants a letter of guarantee. She has a letter that states if it is totally destroyed to the ground she can't do it; however she can get a variance to do it. If the building gets destroyed but the foundation is still there she can build exactly what was there. It is in the letter but she doesn't like that. Mr. Butkus said it goes back to the mortgage company. Mr. Wenrich said we will let Mr. Mooney come up with a game plan for that.

EXECUTIVE SESSION:

Council went into an executive session at 8:23 p.m. for a personnel issue.

RECONVENE:

Council reconvened at 8:53 p.m. Mr. Butkus made a motion to suspend Mr. John Stuck, of the road crew, effective at the end of his current vacation, pending further investigation. When he returns to work on Monday he needs to return his keys to Mr. Hart until the investigation is over; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSTAIN – 1 (Mrs. Stine); motion carried.

BUSINESS:

The first item on the agenda was Alcon's request. Mr. Mooney stated that Alcon is going to begin construction. They are going to be consuming water that will not be going down into the sewers. They are asking that they be allowed to attach a deduct meter for the use of that water so they are not billed for sewage since it will not be going down into our system. Mr. Butkus stated there is another business that does this in our Borough. Mr. Butkus made a motion to accept their request; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. Mr. Butkus explained how it will work.

The next item is the PIRMA letter. Mr. Mooney stated that PIRMA is the Borough's liability carrier. They have conducted an audit of the Borough's facilities and procedures. They issued a letter to us on July 20, 2010 making certain recommendations for training and adoption of policies by the Borough. They have asked that the Borough respond to their recommendations within thirty (30) days. All of their recommendations just need to be implemented within a responsible time frame. He feels all of the Borough managers that are affected by the recommendations have begun doing just that. He believes all we need to do is answer their statement of actions taken by stating the Borough has received their recommendations and we are beginning the steps to take action to implement the proper procedures. If Council agrees to this he thinks Council should make a motion stating such. Mr. Butkus made the motion with the addition that Council follows up with our staff to make sure everything was implemented within thirty five (35) days; seconded by Ms. Sloan. The Mayor asked who gets the paper when this is done. Mr. Mooney said the insurance carrier. The Mayor questioned who is the one that is going to see it gets back to the insurance carrier? Mrs. Shade stated she is. AYES – 7, NAYS – 0; motion carried. Ms. Sloan feels we should make sure that this stuff has all been taken care of. Mr. Hart stated they began today to write down the sign inspections. He stated they always did do them but beginning that day, they started recording them. Ms. Sloan believes are citizen complaint process is a good idea. Mr. Hart said we do that. He explained out the complaint form works. Mrs. Shade stated in addition, the person must be willing to sign the complaint form otherwise we do nothing; we can't really consider it a complaint. Ms. Sloan said right. Ms. Sloan stated you must be willing to stand behind it. Chief Oxenreider said he prepared a memo to Council in regards to the police department. He has updated his policies and procedures. He also is doing EVOC training which is basically a driving course for the officers. He notified Mr. Baynard of this and he will be coming down next week to get a copy of their standard operating procedures. Mrs. Shade stated we are redoing the handbook and in the handbook courtesy of Mr. Holland of VIST Insurance, are a brand new cell phone and other device policy. Mrs. Shade forwarded that policy to all of Council and once the handbook is complete it will be voted on as part of the new handbook. Mrs. Shade stated that the police will also need to follow this same policy and she will forward that to Chief Oxenreider. He will incorporate that into their SOP's as well.

The next issue was stormwater management. Mr. Hart stated our current MS4 Permit expired last year. DEP has given everyone a one (1) year extension which is soon going to expire. We have to apply for a new five (5) year permit. The problem is DEP was to come up with draft ideas or concepts which we are suppose to do; they haven't, so we don't know what we are suppose to do. They are setting all kinds of strict rules which have to be done but nothing in writing. There is no draft ordinance. The permit has to be reinstated by March 9, 2011. You must apply for it six

BUSINESS (cont'd):

(6) months prior which means September of this year. In today's newspaper it appears they gave everyone a nine (9) month extension to do that but there is no concept out there of what we are to do. The Thursday prior, Mr. Hart attended a meeting at the Ag Center with a group of people from Montgomery County; they are forming a group to battle DEP and the EPA to get what proposed rules they heard reduced. We will never get them thrown out but hopefully reduced so it is livable for everybody. One (1) rule that they have heard about is that they want to have a retrofit for all catch basins. It is estimated to be \$2,000.00 per catch basin. We have 288 of them. Mr. Mooney said they are trying to regulate stormwater like you would do wastewater. Mr. Butkus questioned what is the retrofitting to do. He asked if it was to take out (inaudible). Mr. Hart said part of it. They are trying for clean streams. Ms. Sloan said it is a tax with no representation. We are looking at \$576,000.00 just for that. If that doesn't work any point where a stormwater discharge enters into a State waterway we would have to install pretreatment facilities to treat the water before it enters into the waterway. Mr. Butkus said it would probably be cheaper to pump it back to the sewer plant. Mr. Leiby questioned what would happen if we don't do it. Do we go to jail or what? Mr. Hart said we will be facing fines of \$17,000.00 a day until it is done. Mr. Pachulo questioned if the State government passed this. Mr. Ludgate said no, this is an EPA mandate. He said it was part of the Chesapeake Bay Initiative. He feels technologically is overkill. Mr. Hart stated that Montgomery County asked Berks County join up with them to form one (1) large group. Mr. Wenrich said there is power in numbers. Mr. Hart said it will cost us money and that is based on residential size. Mr. Hart feels it would cost us about \$500.00 to join this group. By joining this it will buy us more time because we will be caught up in litigation. Mr. Butkus made a motion for the Borough to join the coalition for the amount not to exceed \$750.00; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. Mayor Butkus has been following this. Mr. Hart said after every single storm it will require that every catch basin be cleaned. A brief discussion ensued as how this might all be done. Mr. Ludgate pointed out that we will be responsible for private stormwater that enters into the Borough system. So you would also have a policing issue on private property. This will be another hidden cost administratively in terms of monitoring those areas. Mr. Hart said they are going to try and reduce the amount of water getting into any waterway. This means if someone is going to put a patio in or put up a shed, any amount of water collected from that impervious surface has got to be treated and maintained on that property. So people will need to install stormwater systems on their property for a shed put in their yard. It must be maintained and inspected. Mr. Butkus questioned if this would be able to infiltrate across the rest of their yard. Mr. Hart said no; it has to be a designed feature that will handle it. A brief discussion ensued. Mr. Butkus said he read that by 2035 they want to have the water be cleaner then the water that comes out of your tap. They can't point to any technology that can do that at this time. Mr. Leiby said most of our stormwater goes into the spring. Mr. Hart said no; it goes into the Cacoosing. Mayor Butkus said about half and half. Mr. Wenrich says we are taking a proactive approach. He likes the idea of joining the group. Mr. Hart said Spring Township, the City of Reading, South Heidelberg and others are joining the group.

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mr. Butkus made a motion to adjourn at 9:12 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer