

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, August 6, 2009 at 7:00 p.m., at the Sinking Spring Borough Hall by Vice President Bruce Light. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

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

Other officials present were: Mayor Clarence Noecker, Charles Fitzpatrick, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, Michael Hart, Public Works Director, Chief James Oxenreider, David Schlott, ARRO Consulting, and Regina Shade, Secretary/Treasurer, 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:**

Mr. Schmidt made a motion to approve the minutes from the July 15, 2009 meeting; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT - 3 (Mr. Wenrich, Mrs. Kutz, and Ms. Sloan); motion carried.

#### **VISITORS:**

The first visitors to address Council were the 2009 playground leaders, Ms. Heather Kraft, Mr. Nate Kennedy, Mr. Dante DiGiamberardino, and Ms. Paige Carroll. Ms. Kraft explained what an outstanding season they had. They collected \$250.00 from a carwash which was donated back to the Borough to offset some of their expenses. They have attended and continue to attend a number of field trips. They had their teen night/campout which was a huge success again this year. They were unable to go to the pool due to the inclement weather; however they were going to try to get there before the end of the summer along with ice skating. Ms. Kraft thanked the children for doing such an outstanding job this year. Mrs. Shade stated since Mrs. Kutz was unable to attend the meeting she wanted to thank the playground leaders for an outstanding job. She went on to say that despite the cut backs by the County and the tightening of the belt at the Borough we still had an outstanding and successful playground season. Mr. Light congratulated them and gave them a round of applause. Mrs. Shade stated that in addition to the money raised by the children, we also collected the money from children outside the Borough lines although there were not that many this year. Council again thanked them.

The next visitor was Mr. William Colby representing the Local Shops at Sinking Spring. Mr. Colby had Mr. William Siler with him from JDH Capital. The purpose of their appearance at the meeting that evening was to address some of the “house cleaning” items that he has worked out

**VISITORS(cont'd):**

with our attorney Mr. Kit Fegley along with some engineering issues that were worked out with Mr. Ludgate. The first had to do with a term of acceptance agreement prepared by Mr. Fegley and signed by them. This is their agreement to the terms passed by Borough Council approving the plan. Mr. Fegley felt it would be better to have a memorialization of that resolution so that all parties know the status of the plan. They delivered that with terms that evening. They are requesting that Council signs the plans and then hold in escrow pending the delivery by them of the financial security and the improvements agreement. All of the improvement agreements have been approved by the developer and are in final form. They intend to deliver them to Council when they have settlement on the property. Mr. Siler has the final cover sheet that needs the signatures of the Borough. Mr. Ludgate had reviewed the final plan and found it to be suitable for signing subject to only legal or administration issues that may apply. The surety that was placed on the table is suitable for the project, Mr. Ludgate stated. Mr. Schmidt made a motion to authorize the execution of the plans with certain contingences that the surety just recently approved by the engineer be posted by the developer, the improvements agreement be executed by the developer, and because at this moment the developer is only the equitable owner of the property, that the actual deed be delivered that they are the owners of the property before the plans are released; seconded by Mr. Zerr. Mr. Butkus asked if there were any changes to the plan to which Mr. Ludgate stated no. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. Mr. Colby stated they were in agreement to the terms. He thanked Council and the plans were delivered to Mrs. Shade for signatures and to be held till they take ownership. Mr. Schmidt said throughout all the negotiations, it was very, very nice dealing with them and he hopes we continue that type of relationship with them well into the future.

**COMMUNICATIONS:**

Mrs. Shade stated there were no communications.

**APPROVAL OF BILLS:**

Mr. Schmidt made a motion to pay the bills; seconded by Mr. Zerr. AYES -4, NAYS – 0, ABSENT - 3; motion carried.

**EXECUTIVE SESSION:**

An executive session was called for at 7:12 p.m. for litigation and personal matters.

**RECONVENE:**

Council reconvened at 8:00 p.m.

Mr. Butkus stated based on discussions in executive sessions, he made the motion to suspend Jessica Klee without pay pending further investigation to be reviewed at the regular workshop meeting on August 26, 2009; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

**RECONVENE (cont'd):**

Mr. Zerr made a motion to give Mr. Fitzpatrick and Mrs. Shade the authority to move ahead for the gathering of information, and the underwriting for the possible change to the Borough's health insurance and to have Mr. Keller contact Mr. Perfetto to contact the police department whether they would want to be part of this change; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

**REVITALIZATION PROJECT:**

Mr. Pachuillo stated Mr. Jim Adams, who is on the Economic Development Team will be addressing Council that evening. Mr. Adams stated currently they have narrowed down to two (2) folks to be their architect/planner. A second interview will be set up for next week with them. They will be making a recommendation to hire them. He does not know what the funding mechanism will be however he stated they will spend money wisely. They see this as a decision that would have a ten (10) year ramification. Mr. Schmidt asked if he had a ballpark figure on the cost of this. Mr. Adams stated that a lot of these people work on an hourly rate. He figured the initial planning will be about \$10,000.00 to \$15,000.00. He feels we need the services for many years to come. Mr. Schmidt said he was a bit concerned on the finances. He stated in reviewing the budget that we have outlaid about \$40,000.00 and haven't received a penny in returned. He said we have budgeted about \$100,000.00 in revenue so things are tight. He would not like to see us go out and spend tons of money at this point when we are looking at shortfalls in our other budgets. He said he was not opposed to the idea but we need to look at this long and hard because finances do become an issue. Mr. Adams agrees. He is a taxpayer here however he fears if we don't do something the "dead zone" down there will get worse. Mr. Butkus asked if we authorized interviewing and paying for a position such as this. Mr. Light said not too his knowledge. Mr. Schmidt stated he is not too sure that we have to do this. We would need to get involved in the hiring of them but he said the revitalization is off by themselves. As long as it does not cost us any money, he is not sure that Council should care. Mr. Pachuillo stated it falls under the Design Team and what the center will look like. Mr. Butkus understands that. Mr. Loth is continuing to put grant applications out there to get monies for these types of things. Mr. Adams stated they are not seeking funding that evening. He was just giving them an update. Mr. Schmidt understood and said he isn't objecting to it however we must look hard and fast before we go any deeper. He continued we are cutting back on other items and I wouldn't want to shortchange something else. Mr. Adams stated it was great news from the JDH Group and that will generate some tax revenue to which Mr. Schmidt agreed. Mr. Schmidt said as far JDH goes we spent very little money on that project because the developer paid for most of that. Mr. Adams said they did a cash flow analysis showing the cash returns. Mr. Adams stated one (1) great idea that came out of the discussion with the architect was right behind the "SPRING" that could become a community square. He explained how that would work. Mr. Schmidt said all that he is requesting is that we take into consideration the financial aspect of this as well. Mr. Light feels like Mr. Schmidt does. He is for the revitalization project but we must think of the money situation. Mr. Adams is going to look at getting money some place. Mr. Ludgate wanted Council to be aware that new businesses are opening up in the Borough. They are saying they are looking at the Borough due to the revitalization project. Mr. Ludgate has two (2) meetings coming up with people that are interested

**REVITALIZATION PROJECT(cont'd):**

in doing business in the Borough. They will be revenue producing business. He wanted Council to keep in mind that we are showing progress and that is why these people are coming. He doesn't think we want to stop that progress. Mr. Fitzpatrick said the way the budget was set up there was anticipated revenue of \$100,000 through grants. There would be expenditures of roughly \$75,000.00 annually. He said what Borough Council is concerned about is that we see no proceeds from those grants and we have spent \$40,000.00. What they looked at was a potential cash flow of \$25,000.00 in grants over and above the expenses. Now, we are facing a negative \$40,000.00. That is a swing of \$65,000.00 at this juncture at this time of year. That is pretty serious for this Borough. That is why he believes it is being expressed. Mr. Butkus stated of these new businesses that are coming in here how many are going to have to be moved or displaced if Columbia Avenue is going to be going down to the Spring. That is pushing it down further. He said doesn't that mean Dunkin Donuts will have to be moved. Mr. Ludgate stated no, they would stay. Mr. Ludgate explained how the plan will be laid out. A brief discussion ensued as to how it worked in West Reading. Mr. Pachuilio thanked Council.

**MILLER ENVIRONMENTAL:**

Mr. Peter Juzyk gave the report for July, 2009. He stated it was a very busy month, a lot of activities at both the plant and the collection system. The lightning damage that occurred at the end of June has been repaired. Repairs were made to the televising and jetting equipment. The sewer jet trailer brake line was replaced and the brakes were adjusted. They are pursuing whether this trailer needs to be inspected and licensed. It does not have a license plate at this time. He reported that they have encountered a problem with a tank on the jet trailer. They are experiencing some bulging and maybe some structural failure of the tank. He is soliciting quotes of getting it repaired. The RAS pump two (2) motor was removed for repair. Once it was removed it was noted that the wear was extensive so it was replaced. He questioned if Council wanted him to handle it through normal maintenance expenses or if it should be submitted under a capital item. Mr. Fitzpatrick asked how much it would cost. Mr. Juzyk stated he did not get a bill yet however he feels it will be about \$1,200 to \$1,400. Mr. Butkus questioned if this pump will be used after the upgrade to which Mr. Juzyk stated it would. Mr. Juzyk said the Eastern PA Water Pollution Control Operators Association would like to host their upcoming meeting at our site. Due to timing 2009 is not a good time however they would like to use our facility in 2010 to host their meeting. It would be Friday, November 19, 2010. They have an agreement of financial responsibility. If for some reason we back out of hosting the event, this would allow them to recover the cost of mailings, etc. If as long as we host the meeting, there will be no cost to the Borough at all. Mr. Schmidt asked what the completion date was for the project to which Mr. Schlott stated June 30, 2010. All the work should be completed so November would be a good time for the meeting. We can showcase the new plant. Mr. Butkus thinks it is a good idea. Mr. Zerr made a motion to commit to the November 19<sup>th</sup>, 2010 date for the Eastern PA Water Pollution Control Operator's meeting to be held at the Borough Sewer Plant; seconded by Mr. Butkus. AYES – 4, NAYS- 0, ABSENT – 3; motion carried. Mr. Juzyk questioned if Mrs. Shade would be the authorized person to complete the paperwork to which the answer was yes. They were wondering if Council thought that Green Valley Country Club would be a good place for a luncheon to which the answer was yes. A raw sewage pump drive failed. All of the raw sewage pumps are scheduled for replacement due to the upgrade. However for this pump that may be too far down the road if we get some really heavy rain. They have looked

**MILLER ENVIRONMENTAL (cont'd):**

into having a bypass switch. He received two (2) quotes for that, one (1) in the amount of \$4,100.00 and the other for a real quick and dirty with a cost of not to exceed \$2,000.00. Mr. Butkus made the motion to authorize Mr. Juzyk to execute the one (1) not to exceed \$2,000.00 which will allow us to operate the pump in a heavy rain situation; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. Construction at the plant has started. Mr. Schmidt said the one (1) item in the report stated that the plant drawings were reviewed for ground wire locations and the information found was limited. Mr. Schmidt stated he and Mr. Francis Butkus spoke about this. He thinks that Council authorized only for the work that was done when the lightning hit. He said he believed there might have been some discussion on ground wires and lightning arresters being put in however he was not sure that they ever did do it. He feels we should be doing it now and has spoken to ARRO about this. He was assured that drawings will be sent to us for review. He hopes they would look at the lightning issues along with the ground wire capabilities. He also told someone to look into the price of a small SKATA System. Mr. Schlott was working with his electrical contractor on that. A brief discussion ensued as to what should be included. This would be an extra in the contract as it was not part of the specs to which Mr. Schlott agreed. A brief discussion ensued. Total flows for the month – total monthly flow was 16,550,000 gallons. Total precipitation for the month was 3.55 inches. There was one (1) violation; a low dissolved oxygen on Sunday, July 26<sup>th</sup>. A discussion ensued as how to control the dissolved oxygen. The contributions by each municipality are Sinking Spring – 54.8%, Lower Heidelberg Township – 35.0%, and South Heidelberg Township – 10.2%.

**UNFINISHED BUSINESS/REPORTS OF COMMITTEES:**

Chief Oxenreider stated for the month of July we had 197 calls, 67 traffic citations, 4 parking tickets, and 7 warnings. Chief Oxenreider requested a handicap parking sign be placed at 39 Evans Avenue. The Mayor had talked to the residents. Mr. Butkus made a motion to authorize Mr. Hart to designate a handicap parking space at 39 Evans Avenue; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. Chief Oxenreider stated Office Schweyer has a doctor's appointment the upcoming Monday and should be back to work Monday as well after his appointment. Mr. Schmidt questioned the Chief how he and the officers liked the twelve (12) hour shifts. Chief Oxenreider as well as the officers like working those shifts. It is easier to schedule. Mr. Schmidt asked the Mayor if he liked to which the Mayor had no comment.

**ADMINISTRATION – JAMES ZERR:**

Mr. Zerr stated he had met with the Corridor People and a few issues have come up. One (1) of them is that the Rt. 724 and Shillington Road lights are still being worked on. They are having an issue with preemption. It appears that when an ambulance comes through there, it does not reset itself. He spoke to the Chief and PENNDOT is working on that issue. However coming out of that meeting an issue was discussed regarding the turning lanes. They feel not enough traffic is getting through the turning lanes. The Committee asked PENNDOT to take it back for review and there was some negotiations going back and forth between the Committee and PENNDOT. A few recommendations were made. When they heard the cost they thought it was a bit expensive for us to take care of (roughly \$6,000 total cost). They received an e-mail and PENNDOT has reviewed it

**ADMINISTRATION – JAMES ZERR (cont'd):**

they will be installing the loops at no cost to the Borough. This would give us a center turn lane up in the Borough and change some of the striping to make it easier to make turns in the lower section as well. Mr. Butkus stated it is not just repainting it is relaying it out. Mr. Ludgate had a drawing of what some of this might look like with regards to Smart Transportation. He showed a layout of the intersection of Hull and Penn Avenue. He said if you have ever been on the North side of Penn and tried to cross to the South side, it is a bit risky. He showed the diagram and explained about the site difference and how long it is till a pedestrian would see a car. He said if you can get a curb extension at that corner and restripe so you have three (3) eleven (11) foot you can get some calming. He explained how it will work with regards to Smart Transportation Guidelines. Mr. Zerr stated they sort of picked on that intersection because of the Church pedestrian traffic right there since they expanded the parking to across the street. They would like permission to speak to PENNDOT to see if they could get funding. This will be in conjunction with the Corridor Project. Mr. Butkus questioned if he was asking permission to discussion this with PENNDOT and come up with a plan, not the moving of anything. Mr. Butkus questioned if extending the curbs out make it problematic for plowing to which the answer was yes. Mr. Ludgate stated there is not one (1) thing that you can change that does not change something else. If you look at pedestrian safety, that is far more serious than a hard time snow plowing. In regards to the issue of plowing, you are talking about the parking lane. Mr. Butkus questioned if we change the curb line aren't we incurring the cost of putting in those special ramps. The answer was yes. Mr. Schmidt asked if there was a cost to do this. Mr. Zerr stated no more than getting PENNDOT to look at this. He continued if there would be a cost to the Borough, they will bring it back to Council. Mr. Schmidt stated his question was more would this sketch be good enough to give to PENNDOT to which Mr. Ludgate stated in terms of discussion it would be. Mr. Zerr made the motion to approach PENNDOT about looking into restriping and changing the road area around the Church; seconded by Mr. Schmidt. AYES – 3, NAYS – 1 (Mr. Butkus), ABSENT – 3; motion carried. Mr. Zerr stated the Corridor people are looking at a five (5) municipality maintenance agreement with whoever the successful bidder will be. He is not sure if there will be a meeting before the stuff goes out to bid for contract and the time we need to do this. Mr. Fitzpatrick has reviewed the specifications and made two (2) recommendations of changes. Mr. Zerr stated he believed those two (2) recommendations were implemented. Mr. Zerr would like to authorize a resolution be passed that contingent upon all the plans meeting specifications, we go ahead and enter into an agreement to advertise and bid the maintenance agreement for all five (5) municipalities for all the traffic lights from the Borough of Sinking Spring to the Borough of Robesonia upon the fact that if the plan does not meet our current agreement status we may back out; seconded by Mr. Butkus. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. Mr. Zerr asked if we had any problems. He asked if the light is back up as far as pre-emption is concerned. Chief Oxenreider stated as far as he knows it is still out of service.

**SEWER COMMITTEE – GEORGE BUTKUS:**

Mr. Butkus asked Mr. Fitzpatrick where we stand with the farm lease agreement with Mark Garber regarding the land around the fence. Mr. Fitzpatrick will check on this. Mr. Butkus has not heard any issues regarding this. The Committee meeting will not be on the normal day due to vacation scheduling.

**SEWER ENGINEER – DAVID SCHLOTT, JR.:**

Mr. Schlott said the contracts start date was July 1<sup>st</sup>. Relative to substantial completion, 37 days have been expended and 283 days remain on the contract. A progress meeting was held that day. Wickersham is the general contractor on the project. They have mobilized equipment, initiated shop drawing submissions, E&S facilities were installed, completed the excavation of the new headworks building, initiated excavation of the new clarifier; fencing installation to secure the job site will begin early the next week. Hirneisen is the electrical contractor. They have initiated shop drawing submissions, and coordinated with PPL for temporary electric service. This service should be on-line next week. There are no applications for payment from either contractor at this time. Mr. Schlott stated our project did not receive PA H20 grant funding from the Commonwealth Financing Authority at their July meeting. Mr. Fitzpatrick questioned if they ever explained why we weren't funded to which Mr. Schlott stated he had no idea what the priorities were. He did hear through the grapevine one of the items they were looking for was whether the project was under consent order by the DEP. If you were under consent order that weighed heavy. He did not know where our project was rated. With regards to Brookfield Manor Phase I and II, all of the cleanouts have been capped as required. There are no further field issues in regard to the construction of the sanitary sewer improvements. The developer is continuing their efforts to resolve the issue in regards to relocating the easement to encompass the sanitary sewer lines on Lot 25. In regards to the pretreatment program for the strong waste surcharge per the sewer use ordinance, there is a surcharge that is assessed on industrial users that discharge strong strength waste such as higher BOD, higher total suspended solids, high phosphorus and those types of things. ARRO recommends that the Borough authorize the utilization of the new "per unit" treatment charges in the calculation of surcharges. The last time this was updated was 2005. This is based on flows from 2008. Mr. Butkus makes the recommendation to use the new calculations for the Sewer Use Ordinance as it is time, as prices go up; seconded by Mr. Schmidt. Mr. Schlott stated some will go up however some will also come down. Mr. Schmidt questioned Mr. Fitzpatrick if this will get put into the agreements for other municipalities. Mr. Fitzpatrick stated we will have to amend the attachment however he will need to look at this again. Both he and Mr. Schlott thought no dollar amount was mentioned. Mr. Fitzpatrick will double check this. Mrs. Shade questioned if we should do a resolution to the fees to which the answer was yes. A brief discussion ensued. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. A resolution shall be created. Mr. Schmidt questioned if he received any information from Spring Township since they met. Mr. Fitzpatrick stated Mr. Jim Lillis, the Township's Solicitor, has not sent him any information as of yet. Mr. Fitzpatrick stated there are a few properties that overlap the Township and the Borough's borders and this was just to clean up those issues. Mr. Schlott provided the information they had requested.

**PUBLIC WORKS DIRECTOR – MICHAEL HART:**

Mr. Hart stated he received a quote from Four Leaf Energy. They estimated an annual savings at the sewer plant of \$2,239.00 to \$2,799.00 a year if the equipment was installed on the larger pumps and the main breaker panel leading into the plant. The cost to do this would be \$3,987.50. So based on their calculations within two (2) years we would recoup what we put out for these items. We would save money on operating the plant. Mr. Butkus stated that is assuming that rates don't increase anymore than what is anticipated for the electric. Mr. Light said this would come out of the sewer fund. Mr. Butkus questioned Mr. Schlott if we would be better off waiting till the rest of the installation is done at the plant. Mr. Schlott stated it might be to our advantage to

**PUBLIC WORKS DIRECTOR – MICHAEL HART (cont'd):**

wait as he has not spoken to Hirnsein yet. Mr. Schlott doesn't see it as a real problem, but he should probably hold off on doing anything till he has a chance to talk with them. Mr. Light questioned if we could hold off on this till the workshop meeting. Mr. Hart said we could. Mr. Juzyk stated that the compositor to the main panel would require all power to the plant be shut off for a while which he feels could be a problem. Mr. Butkus stated he thought we were going to be switching to the generator at that time. Mr. Juzyk stated they never gave him an answer as to if that was okay to do or not. Mr. Schmidt said it should be as it will be disconnected. The panel will be cut off. There might be a short period of time when you lose something. A brief discussion ensued. Mr. Butkus made a motion to authorize Mr. Juzyk, Mr. Hart, and Mr. Schlott to talk to the people they need to speak with to iron out the details of executing this plan so we can make a final decision at the workshop meeting; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. The only other update Mr. Hart had was in regards to the Berks County Purchasing Council and the purchase of the electric. This has really grown as it now included Lancaster County and they are taking the lead on this. There are close to 1,500 accounts. It looks like the drop dead date will be August 18<sup>th</sup>. It appears it will be a three (3) year contract.

**BOROUGH ENGINEER – ROBERT LUDGATE, SR.:**

Mr. Ludgate stated that one (1) item on the agenda is the Terrace plan review. The Planning Commission is recommending the Borough grant the extension they are requesting. They are still making revisions to the plan that was suggested by Mr. Hart. Mr. Ludgate stated they need a bit more time. They are asking for an additional ninety (90) days. Mr. Butkus made a motion to grant the ninety (90) day plan review extension for the Terrace plans; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. The second item is Brookfield Manor. All of the missing signs are in place. The only open items are a few sidewalk issues and the installation of sidewalk at the end of Cacoosing; it was discussed at the last Council meeting. Mr. Ludgate believed someone from Council was to contact the property owner involved. At this point in time, Ludgate has not received any information from the Borough on what should be done there. Mr. Light stated that was Ms. Sloan who stated she would contact them. Mr. Butkus stated it was the tree that was the issue. Mr. Hart explained how the sidewalk would be laid out so the tree would not be a real issue. The issue now is if the homeowner would be okay with having sidewalk installed on their property. At the last meeting Ms. Sloan was going to speak to them as they were friends of hers. Mr. Light stated as of now, no one has heard anything so we will need to wait. Mr. Butkus made a motion to have Mr. Hart contact Ms. Sloan and find out if she spoke to them and if he doesn't get in contact with her by Tuesday of the following week, he contact the people himself so the developer can get the stuff done that they need to get done; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. Mr. Ludgate reported the LUPTAP Committee has begun its work. The subcommittees will be meeting. These are volunteers from all over the region. He explained how it will work. We are getting good support from all around including BARTA. Mr. Ludgate stated another issue is the stormwater. Mr. Fitzpatrick said the facilities that are on the sites maintained by the developer must meet certain requirements; their integrity must not be breached. It requires annual inspections. The law requires this. Mr. Ludgate asked him who should pay for this. Mr. Ludgate suggested we could send bills to the owners and in fact Mr. Fitzpatrick recommends to Council that it should be handled that way. Bills should be sent to the

**BOROUGH ENGINEER – ROBERT LUDGATE, SR. (cont'd):**

owners as it is mandatory. We really should have an agreement with everyone on this issue. An amount of money should be deposited to cover the cost of those inspections. This happens in other municipalities. He is not sure how this got overlooked in the first place. Mr. Zerr made a motion to bill the property owners for the inspections that the Borough Engineer makes for those inspections; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

**UNFINISHED BUSINESS:**

The first item was the Act 32 Earned Income Tax Appointee. Mrs. Shade stated at the last Council meeting it was authorized that she attend a meeting between the Wilson School District, Spring Township, the Borough, and Lower Heidelberg Township. Lower Heidelberg was unable to make that meeting. By the year 2012, the State has mandated there be only one (1) facility that will collect the Earned Income Tax for each County. Currently we split the tax 50/50 with Wilson. The District has approached each of the municipalities and offered to be their representation on the Board that will be forming. Mrs. Shade feels it is to the Borough's advantage to the Borough to go along with the District as it is a weighted vote. This means the more people you have in your area the more your vote will count. Ms. Diane Richards, who is a CPA and Director of Finance for the District, is serving as the Districts representative and will also represent the Borough if Council so chooses. She will be the voting delegate. She has agreed to come and speak to Council if you would like. This is a very long process and she is aware that she needs to come back to each municipality with the information she finds out. Mrs. Shade feels it is a win/win situation. They represent the same people, Council does. We already split the money with the District so they would have the best interest of the Borough at heart as well. Their concern is for our residents just as anyone we would appoint. In addition, they are so much bigger, we will have more of a say as to which facility will collect the money. There is a resolution that will need to be passed and sent stating who our delegates will be. Mr. Butkus questioned if this changes what we receive to which both Mr. Fitzpatrick and Mrs. Shade stated, no, the monies will still be the same. Mr. Fitzpatrick stated they are reducing the number of collectors around the State of PA. They want one (1) per County. Mrs. Shade stated now Berks Earned Income Tax Bureau collects however once this group is formed, RFPs will be sent out and they will be doing interviews, so they perhaps might not be who collects the monies later. Mrs. Shade stated there is a lot of work going into this as well as subcommittees being formed. Mr. Schmidt made the motion that we go along with the Wilson School District on this matter; seconded by Mr. Zerr. Mr. Butkus questioned once the RFPs are done the Borough will be getting a report or she will be attending a meeting and telling us the outcome. Mrs. Shade stated we will find out however Ms. Richards will do the voting on our behalf. She will be more than happy to come and address Council. Mr. Butkus stated so we are giving her blind authority to vote based on...she is going to be voting and she doesn't need to come back to us and say this is what I think. Mrs. Shade and Mr. Light stated she will come back to us. Mr. Butkus asked if she was coming back to us to get our permission to vote on anything. Mrs. Shade stated no, she would be our voting delegate. She is representing the group. We will have more voting power that way. The other two delegates who will be attending in case Ms. Richards is unavailable will be Christine Schlussman and Michael Martin, who is on the School Board. AYES -3, NAYS – 1 (Mr. Butkus), ABSENT – 3; motion carried. Mr. Schmidt asked why he was opposed to that. Mr. Butkus stated he does not like to be cut out of the loop. He understands in theory they

**UNFINISHED BUSINESS (cont'd):**

are representing the same people we are but that just makes him nervous giving her that. Mr. Schmidt said if we don't go with that we have no say. We have one (1) vote to which Mrs. Shade stated we don't even have that. We have about 1/100<sup>th</sup> of a vote. Mr. Schmidt stated we have no say; at least this way we have some power. Mr. Schmidt said he doesn't understand the theory of being cut out. He asked Mr. Butkus what he was worried about. They are going to do this whether we are there or not. Mr. Butkus stated based on the vote results here it is going to be that way. Mr. Schmidt just wanted to know why he was opposed to this. It is a win/win situation. It gives us power and we have a say. The Borough of Sinking Spring will have nothing to say if we don't go with them. Mr. Butkus said if the other municipalities and the School District want to go another way we are still stuck being unrepresented. Mr. Schmidt stated why would we want to go another way, they are collecting for us anyway. Mr. Schmidt said okay.

The next item was the DROP Program. Mr. Zerr feels after reviewing the DROP Program he feels we should just drop this program. There is no benefit to the Borough at this time. There is no one eligible for the DROP Program. We are just wasting good money looking into this program. Mr. Zerr made a motion to drop the DROP Program; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

**NEW BUSINESS:**

The first item under new business was the sewer billing for Lower Heidelberg Township. Mrs. Shade stated they were at a meeting a couple of weeks ago and we were approach again by Lower Heidelberg Township to do the sewer billing for those residents who flow into the Borough. In light of the fact that we certainly could use the additional revenue and speaking with Mr. Fitzpatrick and realizing this money could be placed into our general fund Mrs. Shade gathered the information to come up with a cost we could bill them on a monthly basis. It would be about \$1,500.00. We are currently up and running with our residents. Mrs. Shade said she totally understands this is a Council decision however it would generate some extra income since we are now up and running. She said there are some issues that will need to be addressed. The paying of the bills will need to occur at their Township building however we will need to know what customers have paid and which have not so penalties can be assessed. It will be their responsibility to give us the information on a timely basis so we can generate accurate and precise bills. It will be a lot of work till it gets off the ground. The \$1,500.00 a month, that we would charge them, includes salaries, overhead, supplies, postage, and those types of things. It does not include the purchasing of the bills. Currently, it is about \$250.00 for 5,000 bills. There are 700 to 800 homes and/or businesses we would bill. Mr. Butkus would like to see a simple contract outlining what they are responsible for and what we are responsible for and that they field all the calls from their residents. Mr. Butkus is concerned if the money is not posted right that people will call and complain. Mr. Fitzpatrick stated Lower Heidelberg must collect the money. Mr. Zerr asked who is going to be responsible to shut off the water for nonpayment. Mr. Fitzpatrick stated that will be their responsibility. We will be like a payroll company that does a business's payroll, Mrs. Shade said. Mr. Butkus said it will be similar to when we use to calculate the bills in the past to which Mrs. Shade said yes. The other item will be billing it out of the general fund. This is a service and can create income for other projects not just sewer projects like money in the sewer fund must be

**NEW BUSINESS (cont'd):**

used for. It is a contract service. Mr. Schmidt asked if she ran this by Lower Heidelberg. Mrs. Shade stated she had not. If Council agrees to this she will then contact Lower Heidelberg and put this offer on the table. A brief discussion ensued. It will be monthly billing. Mr. Butkus wanted it known that the contract and prices will be reviewed every so often. Mr. Butkus made a motion to authorize Mrs. Shade to make contact with Lower Heidelberg Township and give them the cost of \$1,500.00 a month to do the sewer billing for the residents whose flow ends up in the Sinking Spring Wastewater Treatment Plant; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

The next item was the filling of empty Planning Commission seats. Mrs. Shade stated in addition to the two (2) open Planning Commission seats, there is also a vacancy on the Zoning Hearing Board as well. Mr. Ott has resigned from the Board. He is no longer in the Borough. Mr. Charles Coleman has volunteered to serve on that Board. Mr. Schmidt made a motion to appoint Mr. Coleman to the Zoning Hearing Board; seconded by Mr. Zerr. Mr. Butkus had one question. He questioned wasn't it the Borough's practice to try to make everyone in the Borough aware of any vacancies on the Boards. Mrs. Shade stated that was true however it becomes quite costly and no one applies from ads in the paper. So, when the Revitalization Committee began sending out surveys, we placed boxes on there where people can check off if they would like to serve on any of the committees and what committees they would like to serve on. It is definitely a more affordable means of getting the word out and people are sending the forms back in. Mr. Butkus said so surveys are going out. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. The next are the two (2) Planning Commission seats. Mrs. Shade stated Mr. Pachuiilo is Planning Commission Chairman and she can't speak on his behalf, but she believed he has made contact with these two (2) people. The two (2) candidates are Mr. Michael Weiss of 3436 Penn Avenue and Mr. Walter Stump of 5 Brookfield Avenue. These were done on a first come first serve. Mr. Ludgate said they had a discussion about this at the Planning Commission meeting. Mr. Schmidt made a motion to appoint Mr. Weiss and Mr. Stump to the Planning Commission; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

**PUBLIC COMMENT:**

Mr. Zerr stated he hoped he had his facts straight. The question was for Mr. Hart. He said that the fire company wanted to put up a simulator and there is an issue. He asked Mr. Hart to enlighten him why this can't be done at the fire company. Mr. Hart said he asked for more information on the building and has not received it. They want to build a practice roof on half of the roof that is up on the snack stand. He told someone he needed more information on the interior of that roof, like how it was built so the added weight could be supported. You are going to be adding more roof structure to that, they are going to be adding live load by putting people up there, if that is not built right it will collapse. That is where it stands. Mr. Zerr questioned if Mr. Hart was up there and looked at the inside of that building. Mr. Hart said no. Mr. Zerr said he knows the building is made up of 6x6 inside, 2x6. Mr. Butkus asked if he is given access would that be acceptable or would they still need a plan. Mr. Zerr said he was under the impression that a plan has been submitted. Mr. Hart said no. Mr. Zerr told Mr. Hart that he then lost it. Mr. Hart said no; what was submitted is on his desk. Mr. Hart said that plan is a pencil drawing of the outline of

**PUBLIC COMMENT (cont'd):**

rafters and two (2) cutouts. That is not information. Mr. Light asked Mr. Zerr what he would like to see happen. Mr. Zerr said we are talking about our firemen and they need a place to train and stuff. This is just a simple simulator. Mr. Hart said it is not simple when you are adding weight to a building. Mr. Hart said that is a major issue and if it is not built right and it comes down, you aren't going to have your firefighters. Mr. Zerr questioned what we are doing with the fees. Mr. Hart said that needs to come before Council and see if they want to charge them for it. Mr. Zerr stated he doesn't believe we ever charged the fire company before. Mr. Schmidt doesn't know if we have to charge them a fee but he does believe we should have it thoroughly inspected. Mr. Zerr said he won't dispute that fact. Mr. Zerr made a motion to have Mr. Hart meet with the appropriate people at the fire company and get this resolved so we can get this simulator up so training can be implemented and waive the fees to the fire department; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

Mr. Light stated we shall have a workshop meeting August 26<sup>th</sup> at 7:00 p.m. If there are any changes our President can inform the rest of Council.

Mrs. Shade stated prior to the meeting Mr. Francis Butkus came to her and stated there are problems hearing Council in the back of the room. Mrs. Shade questioned if Council could authorize Mr. Hart to look into our sound system and see what could be the problem. Perhaps we need another microphone or something. Mr. Francis Butkus stated he doesn't feel there is a damn thing wrong with our sound system, he feels the microphones are in the wrong place. Mr. Butkus wanted it addressed before the meeting so he could hear what was going on. It is basically on that table (he pointed). Mr. Light stated Mr. Hart did discuss this with him. They were going to address this issue when the Council President was there. Mr. Hart said he does have a price and he believes it is about \$1,500.00 and we shall need another mixer as well. He can get some prices and bring it to the workshop. Mr. Francis Butkus stated the microphones are too far away and then when they turn their head, you don't hear them at all. Mr. Hart said then perhaps we will need to look into a wider range mike so it picks up more. Mr. Francis Butkus said no, we need to get it closer to the speaker. A brief discussion ensued. Mr. Zerr said the problem is with the mikes; they are directional mikes so if you turn away just a little bit, you can't hear. Mr. Ed Oswald stated if you don't have omindirectional mikes that doesn't matter; either everyone is going to have to sit forward or buy wider range mikes. Mr. George Butkus stated if we pick up wider range mikes we will have more problems with feedback. Mr. George Butkus stated that they shall just have to pick up the mikes when talking. Mr. Hart stated with a new mixer we could add more mikes. Mr. Schmidt questioned at what cost to which Mr. Hart did not know. Mr. Schmidt questioned if we get four (4) new mikes would that give each Council person a mike. Mr. Hart said almost. Mr. Schmidt made the motion to have Mr. Hart gather the information needed to try to correct the hearing problem in the Councilroom by getting quotes on new microphones as well as a mixer; seconded by Mr. Zerr. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

**TREASURER'S REPORT:**General Account

Opening Balance – July 31, 2009	\$198,821.73
PLGIT	9,077.31
Invest	49,511.67
Recreation	
General Invest	<u>4,341.66</u>

**TREASURER'S REPORT(cont'd):**

To Be Paid	<u>(41,221.28)</u>
Total Acct Funds	\$220,531.11

Sewer Account

Opening Balance – July 31, 2009	\$160,885.93
PLGIT	61,142.03
Invest	321,145.22
Sewer Revenue	
To Be Paid	<u>(17,111.55)</u>
Total Acct Funds	\$526,061.63

Mr. Butkus made a motion to accept the Treasurer's Report; seconded by Mr. Schmidt  
 AYES – 4, NAYS – 0, ABSENT - 3; motion carried.

**ADJOURNMENT:**

Mr. Zerr made a motion to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

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Regina M. Shade  
 Borough Secretary/Treasurer