

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, August 7, 2008 at 7:00 p.m., at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

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

Other officials present were: Mayor Clarence Noecker; Charles Fitzpatrick, Borough Solicitor, James Oxenreider, Chief of Police, Peter Eisenbrown, Ludgate Engineering, David Schlott Jr., ARRO Consulting, and Regina Shade, Secretary/Treasurer, who recorded the minutes of the proceeding.

A moment of silence was held for our service people.

APPROVAL OF MINUTES:

Mr. Light made a motion to accept the meeting minutes from the July 8, and July 16, 2008 Council meetings; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT -1 (Mrs. Kutz); motion carried.

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Mrs. Sondra Westbrook, Librarian, addressed Council. She requested a new library person to replace Miles Porath who is leaving. The Library Board interviewed her and they recommended the hiring of Sue Rouleau at a rate of \$8.00 per hour. Ms. Sloan made the motion to hire Sue Rouleau at a rate of \$8.00 per hour; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Jay Vaughan of Spring Township was next to address Council on the issue of the sewer plants. He thanked Council and the Authority for permission to address the issue of both municipalities having sewer plants, and both looking at upgrading them. He was authorized by his Board of Supervisors to come before Council to address the common sewer issues both of us face. He turned the floor over to Mike Parnezy of SDE, their engineers. He made a brief presentation. Mr. Vaughan handed out the agenda for Council to follow. There was an outline where both Spring and Sinking Spring were in regards to their sewer plant. Mr. Parnezy reviewed where each municipality had done and what is currently being done. Mr. Greg Unger from SDE presented a design for all to view while he explained what was being planned. He stated with what is being proposed they will have 2.28 million gallons a day on the base end. They will be able to expand this in the footprint of the oxidation ditch that is there by adding a bit more aeration and a third clarifier. They are getting away from chlorine disinfection and are adding an ultraviolet system to the whole facility. There has been a contract awarded in the amount of about 1.35 million dollars

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to upgrade and make improvements to the existing plant which is of the 1980 vintage. Not too much has been done at the plant. He explained what is going to be plant. The expansion project is being kicked around however nothing firm has been done. In addition, they are looking at renewing their NPDES permit which expires in 2009 similar to what the Borough has been doing. The third sheet explained where the suggested common sewer issues were documented. Back in the 1980's when work was being done at both plants; DEP questioned why there were two (2) plants so close. This question might come up again with both of the plants doing upgrade/expansion work. Since the Borough is looking at expanding their capacity to 250,000 gallons more a day, is it possible that the Township could provide this to the Borough. There is a new program out. It was Senate Bill number two. It is now Act 63. It is dubbed the H2O PA Program which will offer grants up to \$20 million dollars for sewer plants. It is a 2 to 1 ratio grant to local funds. He explained how it would work. In the program priorities would be given to systems that consolidate two or more plants. Emphasis will be placed on projects that are ready to go. The wastewater from our plant can flow to the Township's plant by gravity. About ½ of the Township's plant is down gradient of the Borough's plant and if it were to come to the Sinking Spring plant it would need to be pumped. It is also possible that discharge requirements would change for both the Borough and the Township plants as part of the NPDES permit renewal. Since the Township is currently doing the renewal and in discussions with DEP, DEP has told them that there will probably be a phosphorus removal requirement for them in the new NPDES permit and the Borough might be required the same. It will be cheaper to build one (1) plant instead of each municipality spending millions of dollars. The recommendation was to form a committee of both municipalities to review and explore if a combined plant is viable and what kind of financing would be available. In addition, the committee could explore if the PA DEP is putting any other limitations or conditions on their permits. Mr. Vaughan thanked Council again for allowing them to do their presentation. He feels that now might be the opportunity to discuss the joint plant; he feels it might be prudent to consider this. Mr. Vaughan's intention was to open up dialog as two plants might not be cost effective and his position is to save the taxpayer's money as they are the ones that pay for this. We can pool our resources. Mr. Vaughan asked Mr. Wenrich (if we are interested) to get back to him with dates and times for a meeting.

Mr. Eric Brenzer from Rettew Associates was there representing Reading Terminal. They are proposing to expand their existing location on Mt. Home Road. They are looking to install a rail siding and a rail off loading canopy to bring in ethanol and bio diesel which is a new federally mandated product that must be blended with gasoline and diesel fuels. In order to eliminate more truck traffic the only other safe way is via rail. He explained how they would like to do this. It splits into four (4) rail sidings and there will not need to be a lot of jockeying going on. In addition, there will be a place for the cars to be stacked so things will be able to keep moving. They are anticipating between two (2) or three (3) cars a day to be delivered. The rail lines will be shifting the times of delivery from the afternoon to the evening. This will avoid a lot of congestion on Woodrow Avenue. They are planning on building a phone building which will house the fire protection phone for the ethanol and bio diesel and to help boost the system. In addition, they are proposing an additional storage tank in the existing containment dike. They have appeared in front of the Planning Commission with a preliminary plan. They have asked for a waiver of the preliminary process to be approved as a preliminary/final plan. They have already gone through

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one (1) review letter with the engineer and they have a second one that has some notes as well as a few items they are working out with the Solicitor in regards to agreements and letter of credits. Essentially, there are no other major issues with technical items that need to be addressed. They are asking for a waiver of the preliminary process so that the engineer can review as a final. Ms. Sloan inquired where the safety was in this plan. Mr. Brenzer stated they currently have a fire protection plan that the Borough and the Township has in their hands. Once the plans are approved they will be updated. They did approach Spring Township and their engineer stated since the bulk of the project is located in the Borough, he has requested that the fire chiefs of both municipalities review them, than they (Spring Township) will waive their right to review. Mr. Brenzer explained how the stoppings will work, etc. Norfolk has their own set of safety requirements as well. Ms. Sloan stated she was not concerned about fire issues but more about hazardous waste incidents. If this spills she sees nothing in the plan that will address that issue. Mr. Brenzer stated if there is an accident while unloading, they attach pipes and suck it out that way. Underneath the canopy there is a concrete containment system underneath. So there is a platform and a concrete troth that can handle one (1) car. He continued that Norfolk Southern has procedures in place that they must follow as well. Mr. Zerr stated it is nothing different that what is in place currently and has been in place for the last ten (10) years. A discussion ensued as to how many cars can fit under the canopy and how the procedure will work. Mr. Zerr questioned Mr. Eisenbrown if he had any concerns. Mr. Eisenbrown stated the only issue he has is the combined plan. It has nothing to do with any actions that need to be taken by the Planning Commission. Mr. Eisenbrown questioned if they were going to lower the height of the tank or proceed for a variance. Mr. Brenzer stated they did submit for a zoning variance to go to 48 feet. If it is denied, they will build it at 40 feet. This will match an adjacent tank. Mr. Eisenbrown stated they have gone above and beyond in regards to stormwater. Mr. Brenzer stated they must supply this with every gallon of gas sold. In regards to doing this by rail, they will cut back on truck traffic. Right now we are seeing about 20 some odd trips of ethanol on our roads in a day by trucks. It will be much safer when it comes in three (3) railcars a day. Ms. Sloan questioned if there was a tank there now to which Mr. Brenzer stated there are many tanks there right now not just one (1). Mr. Fitzpatrick asked Mr. Eisenbrown what Ludgate's position is. Mr. Eisenbrown recommended along with the Planning Commission that the preliminary plan be waived. A combined plan could be submitted. Mr. Schmidt made a motion to move to final plan review; seconded by Mr. Zerr. AYES – 6, NAYS – 0; ABSENT – 1; motion carried.

The next visitor was Ms. Heidi Masano, Solicitor for South Heidelberg Township Municipal Authority. She introduced the other members of the Authority – Mr. Jack Musante, Chairman, Franklin Fro, Treasurer, David Bright, Engineer, Spotts, Stevens, and McCoy, Ron Seaman, Township Manager. They are there to ask Council what can be down in moving along the execution of the Municipal Agreement between South Heidelberg Township Municipal Authority, South Heidelberg Township, the Borough and the Borough's Authority. We started this process last October or November. She questioned if there was something they could help us with. They are there expressing a sense of frustration. Mr. Fitzpatrick stated (which he expressed to her earlier that day) at one (1) of the joint meetings with the Municipal Authority, he raised the issue with our engineer like their engineer raised the issue in negotiations, that some of the line items should not be shared equally or proportionally with the Borough as the Borough has certain items that only benefit the Borough. We did agree that only a portion of that cost will be divided. He continued

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that perhaps the strength of the sewage that is being sent to Sinking Spring could be stronger than the strength of the sewage the Borough is sending to the plant. Therefore, perhaps there should be some adjustment the other way for South Heidelberg. In talking with David Schlott, the Borough sewage engineer, the strength of the sewage coming from South Heidelberg is stronger than the sewage generated in the Borough. There should be some further discussion on compensation to Sinking Spring regarding this issue as there will be extra expense incurred in treating the sewage. Mr. Fitzpatrick stated perhaps a meeting between Ms. Masano, the engineer, and appropriate members of the Authority or the Township, the Borough's engineer, the Authority's engineer, and he to discuss the compensation and that should finalized the agreement. However this is an ever evolving agreement as you can tell. There are a number of things going on for example, Spring Township has approached us this evening. This is the first we knew what their approach was so it probably would not have been appropriate to enter into an agreement with South Heidelberg until we had this discussion. He now thinks it is an appropriate time to sit down and discuss this cost issue as he does not feel it is in Sinking Spring's best interest to cover the cost of the additional strength sewage. Ms. Masano questioned Mr. Fitzpatrick if the only issue that we have to deal with his a higher cost for the sewage. Mr. Fitzpatrick was not sure that was the only issue. Ms. Masano understands that Mr. Vaughan's presentation was intriguing however she hopes that a consideration of that proposal would not hold up moving forward on the execution of those agreements. Mr. Lillis, Solicitor for Spring Township, told Ms. Masano that he will be recommending to their Supervisors authorization of the agreement subject to everyone else executing them. She continued once one (1) thing is nailed down then another thing raises its head. She wanted to get this done. Mr. Fitzpatrick stated he understood that you want this finalized however you come to us not having paid any of your sewer bills at all in 2008. He had that conversation with the Borough Secretary just that day regarding this issue. He continued that might be something we put into the agreement. Perhaps we will have to provide for greater penalties for late payments. Ms. Masano stated we didn't really want to get into that as we all agreed no payments will be made until we go under the meter billing system and that is the first time we heard of that today and that is not because of South Heidelberg. Mr. Fitzpatrick stated this is still an issue. Ms. Masano stated this would be addressed if we just sign the agreement. He continued we spoke to one (1) resident of South Heidelberg Township who stated the last bill he received was for period ending 4/1/07. Ms. Masano stated if we sign the meter agreement this would all go away. We all agreed the agreements would be dated 1/1/08. She was given direction by her client this would be done by the end of 2007. We just need to address Mr. Schlott's last comment about the strength of the sewage. Mr. Zerr questioned if we should go into Executive Session that evening to discuss this issue. Ms. Masano stated that signing this agreement was part of the settlement agreement to settle the litigation between the parties. Mr. Fitzpatrick said at this point we still need to get the terms of the agreement acceptable to both parties. Ms. Masano thought the only issue was the schedule that is being attached to it. Mr. Fitzpatrick feels issues have arisen that need to be discussed - billing, payment, and a continued frustration with South Heidelberg not billing their customers on a timely basis and then in turn not paying us. Ms. Masano stated if we sign this agreement those issues all go away. Ms. Masano continued that it was agreed upon that no payment will be made until these agreements are signed and we went into the metered agreement. Mr. Fitzpatrick said he had been involved in many agreements when terms aren't met therefore there is no assurance unless a substantial penalty and interest is put into place that might make it more certain we shall receive payment on a more

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timely basis. A brief discussion ensued to the enforcement of the permitting program and who enforces this. Mr. Jay Vaughan stated that Spring Township is a party to this as well. Mr. Vaughan stated that the sewage is going into their plant and they are treating 125,000 gallons a day and they aren't getting paid until this agreement gets signed. Mr. Vaughan stated we are treating however Sinking Spring is getting paid. Mr. Fitzpatrick said we aren't getting paid; we haven't gotten anything for 2008. Mr. Fitzpatrick questioned Mr. Seaman if they paid the Borough anything in 2008. Someone stated they didn't have a rate to pay on...Mr. Fitzpatrick stated I guess that is a no. Mr. Seaman stated till we give them an agreement they don't have a rate to pay at. Mr. Schmidt questioned why they wouldn't pay at the rate that is currently in effect. Mr. Seaman said that is because that is not what the stipulation agreement says. Mr. Schmidt stated we have no agreement. Mr. Seaman stated we have a stipulation agreement. Ms. Masano stated the parties agreed to pay on the metered systems as opposed to pay on the old system. Up until this evening this was the first she heard of dissatisfaction with that. Ms. Masano stated they totally agreed on that they were to pay nothing until the agreement was paid. We were going to pay on arrears with the metered system. Ms. Masano just wanted to make Council aware that South Heidelberg was ready, willing, and able to sign those agreements. Mr. Musante stated that as soon as these agreements are finalized they will write us a check the next day for the settlement as well as the sewer bills that are calculated on the metered basis. The South Heidelberg Authority has over \$3,000,000.00 in its bank account according to Mr. Musante. They can write the check instantly. It is that simple. Ms. Sloan questioned if it would be beneficial to sit down with them and review this information. Mr. Fitzpatrick feels it would be so a meeting will be set up. He will come back and advise Council. Mr. Butkus asked if we could receive a copy of the agreement. Mr. Fitzpatrick will forward the agreement to them and any questions will be sent to Mrs. Shade for her to forward on. Ms. Masano thanked Council.

COMMUNICATIONS:

Mrs. Shade read a thank you note from Mrs. Emily Hiester's family for the flowers we sent for her 100th birthday.

The second letter was from R.G. Heckman. It was a letter requesting relief from payment of 16,500 excess gallons. It was not treated at our plant as it was hidden in the floor and the water went into the basement and eventually to the outside and absorbed by the sun. He wanted us to reconsider this. Mrs. Shade stated the water company did give them a credit. Ms. White calculated it out and they would be entitled to \$50.60 roughly of credit. Mr. Butkus was willing to go with the credit that the water company went with but nothing more. Mr. Butkus made a motion to adjust the readings to match the PA Water readings and refund the money to them; seconded by Ms. Sloan. Motion carried. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

APPROVAL OF THE BILLS:

Mr. Light made a motion to pay the bills; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT - 1; motion carried.

REVITALIZATION PROJECT:

Mrs. Shade explained that Revitalization Day was on Sunday, September 14th from 11 a.m. to 7 p.m. She continued there will be softball games along with bingo and games for the children. We will have radio station I-105 here along with pie tossing. There will be many other things as well as food going on all day. She encouraged everyone to mark their calendars and come down to the event which will be held at the Sinking Spring playground and the fire company. She also asked for Council's help by signing up to have pies thrown at them. In addition, the committee will be selling burgundy and gray t-shirts promoting the project. Mrs. Shade stated that the fire company is again selling food so support them. She continued that they will be supplying the food for the event. Mr. Eisenbrown passed around a folder that will be given out to businesses. He explained what exactly was in the folder. The other item was that they have received some information back from the RATS Committee and they have placed the project on their unfunded project list. They had favorable comments. In addition, once the official map is adopted that will be a big help and keep the project moving forward. Mr. Zerr stated the Revitalization Committee was happy to report that the County Commissioners as well as South Heidelberg, Lower Heidelberg, Heidelberg, and Wernersville have come on board and sent us their resolutions backing this plan. There are a lot of good things going on right now. Mr. Zerr stated under the Revitalization project we have budgeted \$175,000.00. With some of the things that are going on it has come to the attention of the admin committee that at time money is needed for items in between Council meetings. Instead of trying to get hold of Council all the time, they would like to have blanket type coverage. Anything over \$4,000 must go out to bid. Mr. Zerr made a motion to have blanket coverage for the Revitalization budget up to \$3,999.99; seconded by Mr. Light. Mr. Butkus questioned if they must stay within budget to which Mr. Zerr stated yes. AYES – 5, NAYS – 1 (Mr. Butkus), ABSENT – 1; motion carried. Mr. Wenrich stated we had a very positive feedback to Mr. Paul Miller's slide presentation.

PRESIDENT OF THE RECREATION BOARD – STEPHANIE JOHNSON:

Ms. Stephanie Johnson presented the trophy to Council for the grand prize that they won at the County track meet. In addition, they presented a handmade thank you card for the t-shirts and all that both the Rec Board and Council has done for them. Ms. Johnson thanked Council for their support now and in the future. Mrs. Shade stated that Ms. Theresa Johnson, head leader, and Ms. Heather Kraft, asst. head leader, along with the other leaders have done an outstanding job this summer. She explained what their T-bar looked like. It is unbelievable. Mr. Wenrich stated they are a very important part of the community. They are giving the kids such positive things to do because we all know what can happen if they don't. Mrs. Shade explained that we shall again be having teen night the upcoming Tuesday evening. Mr. Light thanked Ms. Johnson for working with Council on getting stuff done.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the July monthly report. Invoicing of industrial permittees for the first half of 2008 have been completed. Wonderful Chinese Restaurant remain in non-compliance of the Sewer Use Ordinance. He has not had any communication from the Borough, or the Solicitor on this matter. Mr. Fitzpatrick suggested we proceed with filing against them at the district justice. Mr. Hart should do that as our Code Enforcement Officer. Dunkin Donuts has submitted a completed permit application on 7/21/08. Bills went out for that week for commercial testing.

MILLER ENVIRONMENTAL (cont'd):

The third set of whole effluent toxicity (WET) tests was submitted to Mr. Schlott for NPDES permit renewal application. The fourth wet of WESAT testing was initiated on 7/28/08. They coordinated the inspection of the Green Valley sewer main with Mr. D'Amico of Lower Heidelberg and Mr. Bright of SSM on 7/22/08. It appears within the last two (2) weeks they are back to normal flow; they will continue to monitor the flows. Mr. Butkus questioned if they ever figured out what it was to which Mr. Juzyk stated he never heard back from them regarding this. There was a thunderstorm on 7/27/08 which damaged several pieces of equipment. The list was sent to Mrs. Shade and a claim was filed. Mr. Zerr asked the cost of this. Mr. Juzyk stated he didn't have an amount however he does not think it will be as bad as last time. Mr. Zerr asked if there is any projection back there against this. A brief discussion ensued as to how these strikes occur. Mr. Juzyk feels the strike was outside the plant and just surged through the pipes. Ms. Sloan made a motion to follow up with Reading Electric on safeguards for the sewer plant in regards to lightning; seconded by Mr. Butkus. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Juzyk received a quote for rebuilding the RAS pump. The amount budgeted was \$4,820.00. The price he received for one (1) pump was \$2,500.00. He would like one (1) pump worked on and after that pump is finished then move on to the second one just in case it took some extra money. If we don't have enough money leftover we could hold off until next year. There were two (2) service calls during the month, one at 3337 Penn Avenue (Wawa) for a lateral clog. They removed paper towels and aluminum conduit from the trap. The second was at 31 Wynnwood Avenue for a lateral clog as well. They cleaned the trap however the line was still closed on the owner's side. They continued with sewer main televising and flushing. They completed 23 maintenance orders during the month. The total month flow – 16,169,000 gallons. The precipitation total was 3.35 inches. The breakdown was Sinking Spring (which includes an unmetered portion of Spring Township) – 66.1%, Lower Heidelberg – 25.7%, and South Heidelberg – 8.2%.

COMMITTEE REPORTS:**PUBLIC SAFETY – LAWRENCE SCHMIDT:**

Mr. Schmidt had two (2) items to discuss. The first being the Rt. 422 Corridor Project that runs from Robeson to Mull Avenue for aligning the traffic signals. The contract was awarded on July 31st and it came in at a lower cost. Mr. Schmidt stated that we are a member of the Westside Regional Emergency Management Agency along with West Reading Borough, Wyomissing, and Spring Township. One (1) of the items that this agency has chosen to do is install a Reverse 911. He explained that the residents might need to give some information perhaps by getting a phone call or receiving something in the mail inquiring about phone numbers, etc. He continued that we need this information to inform everyone if an evacuation might be needed or a boil water alert, those types of things. We are undertaking this. Mr. Paul Roth, who is the coordinator, and explained what exactly needs to be done. Mrs. Shade explained that letters will be going out via a census form. She explained that we don't need the phone numbers of the owners but the actual people residing at the dwelling. Mrs. Shade believes a website will be established so that new residents will be able to go in and register their information themselves.

POLICE DEPARTMENT – CHIEF JAMES OXENREIDER:

Chief Oxenreider stated they had 194 calls for the month of July. They had 23 traffic citations, 10 parking tickets, and 5 warnings were issued. The Dodge Charger should be ready very soon. Mr. Schmidt stated if not by the workshop meeting by the next Council meeting we should be ready to hire the new police officer.

STREETS, BUILDINGS, & UTILITIES – BRUCE LIGHT:

Mr. Light stated he had been down to the playground and the leaders indicated they would like to have a seesaw. We currently have money in the budget. He explained he had chosen one (1); it is a two (2) seater and the cost would be \$1,411.20. Mr. Light made a motion to purchase the seesaw at a cost of \$1,411.20; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

LIBRARY – ELIZABETH SLOAN:

Ms. Sloan had no report.

SEWER ENGINEER – DAVID SCHLOTT, JR.:

Mr. Schlott handed out copies of his report. The Water Quality Management Part II permit has been submitted for review. There will be an amendment submission for the increase from 1.0 MGD to 1.25 MGD to the Delaware River Basin Commission. There will be some changes to the discharge limits as well. The changes to the phosphorous limit will be as follows 2mg/l @ 1.0 MGD and 1.6 mg/l @ 1.25 MGD. He went on to explain about this. There will be changes in the cost of operations due to the fact of the chemicals. In regards to the “CAP” and the fact that it has been appealed, they are trying to schedule a meeting between DEP and all of the parties involved. Mr. Butkus asked the question how much sludge we would be creating by this change in the phosphorous levels. Mr. Schlott stated we would have more solid production by it is based on the chemicals added. He explained how this works. We have not addressed how we will handle the phosphorous removal at this time.

SEWER AND SANITATION COMMITTEE – GEORGE BUTKUS:

Mr. Butkus had nothing else to report.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

In Mr. Hart’s absence Mrs. Shade gave his report. The first item was the pole building. Mrs. Shade went on to explain that Council awarded the contract to WSP Construction for \$88,891.00. Mr. Hart requested three (3) references from the business which he never received. He did receive a call from Mr. Walter Schwartz asking to be removed from the contract. A letter was received from them requesting this. He spoke to Mr. Fitzpatrick regarding this issue. He called the next low bidder on the list. That name was A&K Pole Buildings and spoke to Allen about their bid in the amount of \$89,600.00. The bid was still good. Mr. Fitzpatrick stated the reasons given by

PUBLIC WORKS DIRECTOR – MICHAEL HART:

the first contractor were not reasons that would have gotten them out of the contract without us making a claim on their bid bond. The amount of the claim would have been the difference between the first bid and the second bid. In this case it would have been \$709.00. Mr. Fitzpatrick spoke to Mr. Schwartz's attorney. He explained about making a claim against the bond and that he can also claim legal fees. Mr. Fitzpatrick stated he would recommend to Council that we accept \$1,000.00 for the costs and we could then release his bond along with releasing him from the contract. A brief discussion ensued as to how you could get out of the contract without paying. Mr. Butkus made a motion to authorize the release of the bid bond and relieve WSP Construction of the contract once we receive \$1,000.00 and to accept the \$89,600.00 bid of A&K Pole Buildings; seconded by Mr. Zerr. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The next item was the closing of Columbia Avenue due to the repairs to the Columbia Avenue crossing by Norfolk Southern. They would like to set up a traffic detour for a period of about two (2) weeks onto Woodrow Avenue to facilitate roadway and stormwater drainage repair at that crossing. It is scheduled to start around September 9th. Mr. Zerr would like a letter to be sent out directing the truck traffic up to Krick Lane. A brief discussion ensued. Mr. Light would like to have letters sent to our legislatures requesting paving of Columbia Avenue or at least on the list. Mr. Zerr stated we should send it to the RATS Committee. Mr. Butkus suggested we have the residents call and send letters as well. Mr. Light made a motion to send letters to the Legislators as well as the RATS Committee; seconded by Mr. Zerr. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The CDBG paperwork has been completed and filed with the County for repairs and rebuilding of the 700 and 800 blocks of Commerce Street in 2009. They would like to have Ludgate begin the paperwork for this project. The amount we are able to receive is \$30,000.00. If we are rejected he would still like to move ahead with the repaving. Mr. Butkus made a motion to have Mr. Hart do whatever needs to be done in regards to moving ahead with this project including contacting all the utilities; seconded by Mr. Light. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The next item was the administrative car. Mr. Hart would like to advertise and receive bids for this car. The car will be sold as is. Mr. Butkus made the motion to advertise for the car; seconded by Mr. Light. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The Ashley paving project will begin August 18th. Mr. Hart would like to see an Ordinance created for regulating the use of public streets for storage or staging of building materials. (i.e. bricks, stones, etc.) Mr. Eisenbrown explained how the necessity for this Ordinance came about. Mr. Zerr made a motion to have the Solicitor look for model Ordinances addressing these issues for our next Council meeting; seconded by Mr. Light. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

UNFINISHED BUSINESS:

The first item on the agenda was the Ordinance for the disbanding of the Authority. The Ordinance was advertised on Tuesday, July 22nd. This Ordinance states that the Borough was pay for all the debt of the Authority. This was the same Ordinance that was presented last year that was not adopted. Mr. Light made a motion to accept this Ordinance; seconded by Mr. Schmidt. Mr. Wenrich called for a roll call vote. AYES – 5, NAYS – 2 (Mr. Butkus and Ms. Sloan), ABSENT – 1; motion carried. The Ordinance was presented to the Mayor for his signature. If he does not sign the Ordinance he must present in writing his reason no more than ten (10) days following this meeting. They Mayor did sign the Ordinance.

UNFINISHED BUSINESS (cont'd):

The flu clinic is Wednesday, October 15th from 11 a.m. to 3 p.m. here at the Borough Hall.

Bulk trash day is also Wednesday, October 15th as well.

Mr. Fitzpatrick has prepared the Ordinance adopting the official map. This is a map that the Borough prepared showing the projections of the Borough. It was requested that the map be amended to show the roads that Ludgate requested. This would amend our existing map. It was advertised twice. Ms. Sloan questioned if adopting it, gave it anymore weight. Mr. Fitzpatrick stated it gives people notice of the proposed changes and that they can't develop in that area. We are not bond to this document. We are not adopting these streets. Mrs. Shade believes that you must update this periodically. Mr. Zerr made a motion to adopt the official map; seconded by Mr. Schmidt. AYES 6, NAYS – 0, ABSENT – 1; motion carried.

NEW BUSINESS:

The Friends of the Library would like to rent the basement of the Borough Hall for a book sale on October 16, 17, 18th. Mr. Hart wanted Mrs. Shade to inform Council that they did not clean up immediately after their book sale. Some boxes got wet, etc. He would like to see a time limit put on them to get the building cleaned up. Mr. Schmidt explained what had happed last time. Mr. Schmidt made the motion to allow the book sale with the stipulation that they must have the basement cleaned up within three (3) days; seconded by Mr. Light. AYES – 6, NAYS – 0; motion carried.

Mr. Schmidt stated the Borough Hall will be closed on November 4th. This building has become the second polling place in the Borough. South Hull Street is the boundary line. Mr. Schmidt stated there will be no bake sale. A brief discussion ensued on this issue.

Mr. Zerr made a motion to obtain RFP's for a forensic audit of the Municipal Authority; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Fitzpatrick was approached by the VFW following up on the Memorial. They approached Mr. Fitzpatrick about preparing the agreement with regards to moving the Memorials to Memorial Park if need be. This was discussed some time ago. Mr. Zerr made the motion to allow Mr. Fitzpatrick to prepare the agreements to move the Memorials if need be; seconded by Mr. Butkus. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Fitzpatrick has received a letter from Liz McGovern, a Solicitor for Lower Heidelberg, requesting the Borough to bill Lower Heidelberg's customers directly. They would pay us. Their opinion is that they are incurring more expense by doing it themselves then if they would have the Borough do it. We have the software. They get the information from us anyway. Mr. Butkus made a motion to have the admin and the sewer look into this regarding the costs and those types of things; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

NEW BUSINESS (cont'd):

Mr. Fitzpatrick stated we received a letter from Alcon in regards to a piece of real estate. There was a piece of land that is used for emergency access. They would like to purchase this piece of property. Mr. Zerr has some concerns over this matter. It was decided that Mr. Zerr and Mr. Schmidt should meet with Mr. Peter Bludizus of Alcon and come back with the findings.

PUBLIC COMMENT:

No public comment.

TREASURER’S REPORT:

General Account

Opening Balance – June 31, 2008		\$ 82,358.27
PLGIT		8,935.32
Invest	Recreation	48,752.37
	General Invest	401,937.08
	To be Paid	<u>48,727.31</u>
	Total Acct Funds	\$493,255.73

Sewer Account

Opening Balance – July 31, 2008		\$ 71,902.38
PLGIT		60,167.86
Invest	Sewer Revenue	441,051.43
	To be Paid	<u>6,120.40</u>
	Total Acct Funds	\$567,001.27

Mr. Light made a motion to accept the Treasurer’s Report; seconded by Ms Sloan. AYES – 6, NAYS – 0, ABSENT - 1; motion carried.

EXECUTIVE SESSION:

An executive session was held at 9:35 p.m. for litigation purposes.

RECONVENE:

Council reconvened at 9:50 p.m. No action was taken.

SPRING TOWNSHIP:

Mr. Wenrich requested that the sewer committee meet with Spring. Ms. Sloan feels that perhaps going in with Spring might not be such a bad idea. Mr. Schlott explained what needs to be thought about when looking into the upgrade. Mr. Wenrich wanted it to be known he didn’t want to sell his soul to Spring Township to which Ms. Sloan agreed. Mr. Schmidt stated however there was a “but” to this. He doesn’t want to spend \$5,000,000.00 of his resident’s money when he might only need to spend \$2,000,000.00. Mr. Wenrich agreed. Ms. Sloan stated maybe we could work together and come up with a win/win situation. A discussion ensued. Mr. Schmidt stated we need

SPRING TOWNSHIP (cont'd):

to look into this. I don't want to spend \$5,000,000.00 just because I don't want to send anything to Spring Township for whatever reason.

ADJOURNMENT:

The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Regina M. Shade, Borough Secretary/Treasurer