

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, September 3, 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
Lawrence Schmidt
George Butkus
James Zerr (absent)
Elizabeth Sloan

Other officials present were: Mayor Clarence Noecker, Charles Fitzpatrick, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, Michael Hart, Public Works Director, 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 August 6, 2009 and August 26, 2009 meetings; seconded by Mr. Butkus. AYES – 5, NAYS – 2, ABSENT - 3 (Mr. Wenrich, Mr. Zerr)

VISITORS:

Mr. Ray Carbon of Columbia Avenue addressed Council in regards to the replacement of curbing on Columbia. He went on to say that three (3) letters were sent beginning in January. Many of his neighbors in the 800 block have complied. This was a major fiasco. He wanted to know those that did not comply, what is going to happen to those residents and when. He stated there is arrogance among some of his neighbors. They have no intentions of repairing or replacing those curbs. He wanted an answer from the Borough. Mr. Hart said a survey was done on the properties that weren't finished yet. He believes there were nine (9) properties. Every single one (1) them by this time should have received a violation notice to complete the job. If they don't repair the curb it will come back to Borough Council. Borough Council can vote to install the curbs and bill the property owner. Mr. Carbon is hoping that this happens. He feels it is not fair to those that did the work. He is a general contractor. Many of his neighbors approached him about doing this. He took it upon himself to measure and meet with the homeowners. He brought in his subcontractor. He had everything in order. He filled out all the permit applications and paid for them. He had everything all lined up so he could begin work upon return from his vacation. He received a phone call while he was away, that the State gave more specifics on the way this should be done. This would have cost him an additional \$800 above and beyond his original costs. He informed his subcontractor that he quit the project. Nobody told him that he had to rip up the

VISITORS(cont'd):

streets. He said he offered the project to his subcontractor. After three (3) days of him putting up with this nonsense he quit the project. Mr. Carbon took it upon himself to find a contractor to do the job and he did that to appease his neighbors who were dependent on him. He took all this time, he re-measured; he did this three (3) times. This was all lost income. He said he worked in this field for years and did a lot of work in other municipalities and if Labor and Industry had to be contacted that municipality told him so. They guided him through the process. That was not done here. It was all a big surprise to him. Now, there is this arrogance of the neighbors that they aren't going to do the repairs or replacement. He wants an answer. He continued to go over the information. He is angry and so upset. Mr. Light said he received a call from Mr. Hart. Mr. Hart told him that he received a call from the State and they must get a permit from the State. Mr. Light said Mr. Hart told him, he was unaware that a permit from the State was needed. Mr. Carbon stated Mr. Hart did obtain a permit from the State at the very last minute. There was no additional cost to the homeowners and he gave Mr. Hart credit however all of it should have been prepared before the curbs were going to be replaced. Mr. Light stated that Mr. Hart was not aware of the need for the permit from the State. Mr. Light reassured Mr. Carbon that all residents will repair their curbing. Mr. Hart said we didn't need to get involved in the project at all as this was a State project. Mr. Hart took it upon himself to try to get the permit for the residents. He received the permit in less than one (1) day which is unheard of. He knew they were pushed into a corner. The State really messed up the whole plan. Mr. Hart again stated this was not a Borough project; it was a State project. Mr. Hart's control was very minimal. He had to issue a permit under the Borough zoning for the curb replacement. That was the extent of his involvement. Mr. Butkus stated that Mr. Carbon would need to address most of their complaints to the State Assembly. This is their problem. Mr. Hart stated again, those residents that did not fix their curb will have to do it. They should have received a notice. Mr. Carbon thanked Council.

COMMUNICATIONS:

Mrs. Shade stated there were no communications.

APPROVAL OF BILLS:

Mr. Schmidt made a motion to pay the bills; seconded by Ms. Sloan. Mr. Butkus stated he did have a bill under the sewer that stated Mr. Hart had requested the turnoff of a system that was overflowing down the street. The technician turned it off. Mr. Butkus was wondering what that was. Mr. Hart said it was probably on Huron. This gentleman was served a notice of violation for a sewer system not operating properly. What he did was stuck a nine (9) volt battery between the lid and the main containment unit so the water would just flow out. Mr. Hart had contacted him numerous times and he would not do anything so at that point he turned the system off and gave him a final notice. Mr. Butkus stated so this is water to which Mr. Hart said no. He then called out a contractor to shut it off. Mrs. Shade said it is a grinder pump. Mr. Butkus was not sure what we were shutting off. Mr. Butkus understood. The issue is not totally resolved but it is still off. AYES -5, NAYS - 0, ABSENT - 2; motion carried.

REVITALIZATION PROJECT:

Mr. Ludgate stated there was one (1) item which comes under the Planning Grant that we have from the State. This is an invoice to DCED for reimbursement of \$1,020.00 for the first phase of that project. The project will be in multiple phases. This one needs to be signed and forwarded to DCED. It was decided the President of Council would need to sign however in his absent the Vice President, Bruce Light will sign. Mr. Fitzpatrick asked if we have paid the bill to which Mrs. Shade said we had. We are getting reimbursed. On the same subject, on Tuesday, September 8th, there will be the quarterly meeting of the LUPTAP Steering Committee. The last meeting was attended by about twenty (20) representatives of various communities and agencies that are working with the Borough on this planning effort. It is an open public meeting. The time is 8:30 a.m. Mr. Butkus made a motion to approve the request to DCED as laid out for revitalization and redevelopment; seconded by Ms. Sloan. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Gregory Deiterich stated he was the Fire Chief of the Western Berks Fire Department. It officially kicked off August 1st with the new organization. He apologized there was no report but he said Mrs. Shade shall be getting one. They ran 73 calls for August. It is going very well. At the 60th call they were averaging over 18 people per call. He said there was a train accident in the Borough however while they had crews at that location another call came in from the Borough. They were able to handle it with the department themselves and not seek help from other outside departments. Things are going very well. The locks were changed so only one (1) key is needed to open all the doors for all the firehouses. It is moving along and he thanked Council for their support. Mr. Deiterich questioned if Mr. Fitzpatrick received an e-mail from Mr. Mixell regarding the Fire Relief Association. They have been in contact with the State and the State is requiring that it be done by December. That is the target date to get that done. If and when monies become available from the State, they will be applying for monies. They will be able to get four (4) times the money due to the fact that four (4) departments became one (1). Currently, Mr. Jeffrey Weidner is working on a grant. As far as the Fire Commissioner goes, they were late getting started with that. They hope to have one (1) ready to go by the beginning of 2010. Mr. Deiterich stated anything any of the fire companies had done in the past will continue. He said he received a letter from Mrs. Shade regarding Santa Claus and they will certainly supply a truck. It does not need to go in front of the Board; they are there only to take care of the money end of things. He again stated, nothing has changed, the service is still the same, we just have more to pick from. He said everyone is stepping up to the plate and thanked Council again. Mr. Butkus said he is getting very positive feedback from the community. They were leery at first but now they are thinking it was worth the time and effort. He went on to say that over the next couple of months he will be having the various Officers come in so everyone will get to know faces and names. We have tried to keep things the same. Mr. Fitzpatrick stated that Mr. Mixell asked him who the representative for the Relief Organization person in Sinking Spring. It was stated Mr. Jeff Weidner was the Treasurer. Mr. Deitrich will e-mail him that information.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the report for August, 2009. In August they were televising the sewer main and they detected a hole. It was near manhole 104 on Penn Avenue. A DVD was provided to

MILLER ENVIRONMENTAL (cont'd):

ARRO for review. Also, the same week the sewer jet trailer developed some issues. The water tanks began to bulge and are rubbing against the belt pulley. Mr. Butkus stated he e-mailed that this item was approved. Mr. Juzyk was aware. He hopes the repairs are under what was requested and thanked Council. The South Heidelberg chart recorder malfunctioned. Parts are no longer available so we need to have the recorder replaced. Mr. Butkus asked if this could have been the cause of the erratic spikes. Mr. Juzyk stated we were getting those readings out of the Green Valley flow meter. During August, Synergrow had been contacted to remove and replace the sludge from reed beds 9-14. It went well. The beds were completely cleaned out and they are in the process of reinstalling the wood gates. Actually at this time they are finished with that and they are reapplying the sludge. On August 27th they discovered what would be called "plant upset." They are still fighting through that. They had reduced ammonia removal throughout the plant. They have had elevated dissolved oxygen levels in the oxidation ditch which is an indication that there was probably some type of bacteria kill in the ditch itself. They have eliminated wasting the sludge and have added seed sludge to try to reestablish the micro culture. Mr. Butkus questioned Mr. Juzyk if he thought this was something that came down the line. Mr. Juzyk said there was no indication that it was from something inside the plant itself. He does feel it was something dumped on us not the past weekend the weekend before. They noticed it on the 27th of August. We are still in permit levels but it is getting close. We are getting our seed sludge from the Berks County Wastewater Treatment Plant. Total flows for the month – total monthly flow was 16,680,000 gallons. Total precipitation for the month was 6.80 inches. The daily flow was 538,000 gallons. The contributions by each municipality are Sinking Spring – 64.2%, Lower Heidelberg Township – 27.9%, and South Heidelberg Township – 7.9%. The influent loading data is consistent with other months; nothing outstanding. Mr. Butkus questioned if the incident going back to August 27th could be a direct effect due to the heat. Mr. Juzyk said he does not believe so. Too many of the tests changed. Mr. Schlott questioned if he received the laboratory testing. Mr. Juzyk said nothing unusual.

UNFINISHED BUSINESS/REPORTS OF COMMITTEES:**PUBLIC SAFETY – LAWRENCE SCHMIDT:**

Mr. Schmidt stated he was driving by Boscov's today and noticed they had moved in a test bore and also a blue truck from an asbestos removal company. The closing has not taken place, Mr. Fitzpatrick said. It is nice to see some positive activity. At some point this evening Mr. Fitzpatrick is going to request an executive session to discuss the property at the corner of Penn and Queen St. There are some developments that need to be discussed.

LIBRARY – ELIZABETH SLOAN:

Ms. Sloan said there has been about \$25,000 to \$28,000 spent on startup costs for the new fire department. It will be in the minutes but she just wanted to make Council aware of it. She did feel the Chief gave a pretty good report.

Regarding the Libraries, so far the State has not reached a budget. They are asking everyone to continue lobbying for level funding for State Libraries to retain the State Program. All of the

LIBRARY – ELIZABETH SLOAN (con'td):

libraries in Berks County are up between 6 and 13% in circulation. She asked everyone to write their legislators.

RECREATION – BARBARA KUTZ:

Mrs. Kutz had nothing to report at this time.

MAYOR NOECKER:

Mayor Noecker had nothing to report at this time.

STREETS, BUILDINGS, AND UTILITIES – BRUCE LIGHT:

Mr. Light had discussed his issue and had nothing else to report.

BOROUGH SOLICITOR – CHARLES FITZPATRICK:

Mr. Fitzpatrick had nothing to report at this time.

SEWER COMMITTEE – GEORGE BUTKUS:

Mr. Butkus asked Mr. Schlott to discuss the sewer plant issues in regard to the expansion.

SEWER ENGINEER – DAVID SCHLOTT, JR.:

Mr. Schlott stated the first item was the sewer plant project. They are proceeding well with the construction. They have installed the basement slab on the new headworks building. They have initiated construction of the walls. They are about 65% complete with excavation of the new clarifier and fencing has been installed. They began that day stripping the topsoil for the new reed beds. The electrical construction is lagging behind. They have installed the temporary electrical service. Currently, we have one (1) application for payment from Wickersham Construction in the amount of \$221,878.00. This application reflects work that has been completed as of August 21, 2009. Based on the observation conducted by ARRO and the work that has been completed for that period, they recommend that the Borough authorize payment. Mr. Butkus made the motion to pay \$221,878.00 out of our intermediate financing and then apply for PENNVEST as the long term financing as the paperwork becomes available; seconded by Mrs. Kutz. Mr. Light asked for a roll call vote. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Schmidt questioned how often do they bill us? Mr. Schlott stated on a monthly basis. They have progress meeting once a month. The next progress meeting will be September 10, 2009. What was established at the preconstruction meeting was that two (2) weeks before a Borough Council meeting (the regular meeting) a pencil copy of the application for payment will be created. The inspector from ARRO will review and make sure it is correct. If he finds no problems, then at the Council meeting you should have an application for payment. This should go on till next June. A brief discussion ensued about change orders.

SEWER ENGINEER – DAVID SCHLOTT, JR (cont'd):

The next item that was discussed was the pretreatment program. At the sewer committee meeting it was discussed about the Sewer Use and Implementation Ordinance. This quarter there were some significant violations. The samplings and testings were very high so as a result so were the surcharges. ARRO has received some complaints from the commercial users. Some of the problems just aren't easy to fix and they are working on it. So with discussions with the Sewer Committee that perhaps for the next two (2) quarters the Borough would think about waiving the penalties associated with anyone exceeding the local limits. That is the fines not the surcharges, Mr. Butkus said. Mr. Schlott stated that is only with conditions. They must provide a written correction action plan saying what they are going to do to repair the problem. They need to show they have actually taken some of those steps. In addition, they must have an independent sample done, and laboratory analysis done on their wastewater stream at their cost and show they are in compliance at that point. If they do this within thirty (30) days, they feel it would be reasonable for the Borough to waive the fines only. The surcharge would still be enforced and collected. The waiving of the penalties will be reviewed at the committee level. An informational session will be held for the business owners giving them the high points of this. Mr. Butkus made a motion to proceed with what as was outlined to implement the fines in the Sewer Use Ordinance; seconded by Mrs. Kutz. A discussion ensued on the testing and when the testing occurred. Mr. Butkus amended his motion to include coordinating testing on the committee level with Mr. Juzyk; seconded by Mrs. Kutz. Another brief discussion ensued as to how long it takes the testing results to come back and what kind of testing gets done. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The next item had to do with the tapping fee. The Municipal Authority had a tapping fee of \$2,500.00 per EDU. This was calculated. Although the Borough went through the dissolutionment of the Authority, they felt it might be a good idea for a resolution to be adopted using the Authority's tapping fees as they were assessing. Mr. Butkus made a motion that we adopt the tapping fee of \$2,500 per EDU based on 192 gallons per EDU based on the State's formula for calculating it all out in Resolution form and amend it as appropriate by State law or changes in calculations; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Schlott stated we have had some developers approach us asking if there is a reservation fee within the Borough. In accordance with Act 57 of 2003, you can charge a reservation fee but you could not charge a tapping fee until the building permit is actually pulled. Currently, the way capacity is reserved, is that the developer comes in and pays the tapping fees. That is the only way they buy capacity at this point. Mr. Schlott reviewed the Act and to see how you can assess a reservation fee. A reservation fee can be charged with an agreement with the developer. If a reservation fee is assessed that you do not charge the cost of the tapping fee until the time they apply for a building permit. You can charge up to 60% of the average user cost associated with that per EDU. At this point using 3500 gallons a month including the base rate of \$20 that comes to \$3,260 of a user charge of 60% of that would be \$1956.00 or \$234.72 a year. That could be what the maximum Borough could charge as a reservation fee. They could establish a resolution to do that then the developers would have the option of either paying the reservation fee of just paying the tapping fees upfront. The reservation fee does not go against the cost of the tapping fee. Mr. Butkus stated if they buy the capacity outright they are still buying the minimum monthly charge even if they are flowing nothing to the plant. Mr. Schlott stated no they aren't. Mr. Butkus stated once they bought the EDU they were going to be charged. Mr. Schlott stated no that is what is prohibited. Mr. Schlott explained. Mr. Fitzpatrick asked if the reservation fee entitles them to freeze the tapping fee

SEWER ENGINEER – DAVID SCHLOTT, JR (cont'd):

if the cost of the tapping fee changes, they pay whatever the fee is at the time they are connecting. Mr. Schlott said correct. Mr. Schmidt questioned if Traditions had a reservation capacity fee. Mr. Butkus said no. Mr. Fitzpatrick said they might have requested from us what the reservation fee was but we didn't have any. A brief discussion ensued. Ms. Sloan questioned Mr. Fitzpatrick if the people behind Traditions have a new backer. Mr. Fitzpatrick does not know. The only issue that was discussed with Mr. Fitzpatrick was the sewer. Mr. Butkus said that was as of February. Mr. Fitzpatrick said no recently they have contacted us again within the last two (2) weeks. Mr. Butkus said he heard that they were moving ahead but they have almost two (2) years of stuff to deal with in regards to the State. Mr. Fitzpatrick stated the fact that it was a golf course and there was arsenic found. Mr. Butkus said it was because it was peony farm. Ms. Sloan stated she wanted to know if they have backers, if the money is firm. Mr. Butkus was not sure we can ask them that. Mr. Fitzpatrick doesn't think we can ask that. Mr. Butkus does not know if can interfere with that. He does know that Mr. McCormick of Traditions does not want to pay the monthly reservation fee; he wanted to pay it yearly. Mr. Butkus made a motion that we have Mr. Fitzpatrick draft a resolution to include the calculations for the reservation fee for capacity in the plant per an agreement with the developer that wants to purchase the capacity; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. Butkus wanted to remind everyone that the Sewer Committee will be meeting the next Thursday at 1:00 p.m. The progress meeting will be that morning at 10:00 a.m. at the plant.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart stated 125 Cacoosing Avenue; they are the property with the sidewalk issue. He did receive a phone call from the owner and they had a few questions. He answered her concerns so she will be signing the form and returning it to him.

The next item is Brookfield Manor. The sidewalk that was torn out some time ago has been repaired. The only outstanding sidewalk issue is the sidewalk for the vacant lot. Mr. Elliott was in agreement with what Council had requested.

Mr. Hart did not know where we left it in regards to the capacitors back at the sewer plant. He knows ARRO was going to review that and it came back okay. There would be no damage to the motors. It is just one (1) capacitor. Mr. Schmidt asked what the time was on that. No one knew. It has to be worked out between Mr. Juzyk, the construction crew, and the installers. Mr. Schmidt thought perhaps Hinesin could install it while they are doing the upgrade. Mr. Butkus didn't know if Four Leaf would allow them to do that. Mr. Hart said they probably won't. Mr. Juzyk asked which ditch it should go on. Mr. Butkus said whichever one (1) you plan on using over the next several years. They could hook it up on number one (1) and they could do it anytime till they switch over. Mr. Schmidt stated that was Mr. Juzyk's decision. Mr. Butkus made a motion to authorize Four Leaf to coordinate with Mr. Juzyk, ARRO, and the construction going on at the plant at a cost not to exceed \$4,000.00 to install the capacitor on the ditch to save us electrical costs; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

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

The only other item has to do with Cacossing Avenue. He has been approached by several residents regarding the no parking signs on the golf course side of the street. They would like to have them removed now that Brookfield Manor Development is complete. He was out there two (2) days ago counting traffic. Most of the traffic going through there was passenger cars. There were two (2) school buses. He does not feel there would be a problem. We could bag the signs and see how it works. He continued once the golf course is developed we will have to remove the parking off there permanently for sight distance purposes. For right now, though we could probably try to reinstitute parking on that side. Mr. Butkus asked the Mayor if he had any thoughts on this since the Chief was not at the meeting. The Mayor feels it would not create a problem putting the parking back. It is narrow. Mr. Butkus made a motion to put bags over the no parking signs for now and give it two (2) months and if we have to revert back to the no parking we can do that; seconded by Ms. Sloan. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

BOROUGH ENGINEER – ROBERT LUDGATE, SR.:

Mr. Ludgate stated his items were all on the agenda.

UNFINISHED BUSINESS:

Bulk cleanup day is Wednesday, October 14, 2009. Mr. Butkus went over the rules. He asked that the residents not block the sidewalks with their refuse.

Flu Clinic will be Wednesday, October 14, 2009 from 11:00 a.m. to 2:00 p.m. at the Borough Hall. No further information was available.

The next item was a change in the health care benefits for the non uniformed employees. Mrs. Shade said the health care benefit for Borough employees runs out on September 30th. She received a call from Mr. Chet Perfetto, our insurance broker, who informed her that the cost of the health care was going to be going up about \$50,000.00 next year. Our police are covered under contract and when the contract was negotiated last year, the people who negotiated the contract spelled out exactly the plan that the police would have. A meeting was held with the police department asking them if they would be willing to switch to the new health care and the answer was no. Health America would be the insurance company. They came up with a package that would save the Borough about \$40,000.00 a year in health care costs. If the police would have gone along with this, it would have saved another \$9,000.00. But they are not obligated to go with them. Ms. Sloan questioned if this was for a one (1) year term. Ms. Sloan questioned if we looked into Gelsinger as a plan. Mr. Fitzpatrick says we have a consultant that looks at this for us. Mr. Butkus questioned if this is similar to what we currently have to which Mrs. Shade said, Mr. Perfetto said this could actually be better than what we currently have. There is some talk there will be no co-pays with Health America. We have \$20 co-pay with Capital Blue Cross. Mr. Butkus questioned if we want to go back to Capital Blue Cross next year will there be a problem in doing that. Mr. Fitzpatrick stated he doesn't believe so as Capital Blue Cross is a State run system. They cannot refuse us. Ms. Sloan stated that High Mark Blue Shield is the last resort in PA so yes you can go back to them. Ms. Sloan went on to say they might have given us low rates to get our business but if we have a lot of claims next year expect the rates to go up. Mr. Butkus stated that any insurance

UNFINISHED BUSINESS (cont'd):

company will do that. Ms. Sloan continued that we might need to review this annually to make sure we get the best rates possible. Mrs. Shade said we do. We have been very fortunate over the last several years. Our biggest increase was in the area of about 6%. This year it was about 31%. Mr. Butkus asked if there was any decent among the non uniformed employees about this. Mrs. Shade stated they are aware of it. They had to fill out a health care questionnaire not only about themselves but about their families as well. They are aware this is a possible change. Ms. Sloan asked if this includes eye and dental to which Mrs. Shade said it does. Mr. Schmidt made a motion to switch the health care for the non uniformed employees to Health America effective 9/30/09; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mrs. Shade stated we need to approve both the non-uniformed and police MMOs (Minimum Municipal Obligation) for 2010. This is what we pay toward the pension plans for both non-uniformed and police personnel. It is calculated for us. Principal handles the non-uniformed plan and PMRS handles the police pension plan. The police pension for 2010 is \$77,068.00 and for the non-uniformed it is \$44,127.00. Mr. Butkus questioned if we knew since the State has not passed a budget what we are getting this year. Mrs. Shade said we don't know and Mr. Fitzpatrick agreed. Mr. Butkus made a motion to file the MMO for the police pension plat at \$77,068.00 and for the non-uniformed at \$44,127.00 for 2010; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. Schmidt asked Mrs. Shade and Mr. Hart if they would like to explain what happened with the electrical bid we did with the Cooperative Council. Mrs. Shade said the bulk purchase came in that Monday or Tuesday and we received notice from the County that they rejected the bids. They will be rebidding again. Mr. Hart said we have no real good explanation as of this point in time. Mr. Schmidt said the people that are running the show are the Commissioners from Lancaster County. They were told to flatly refuse it. That is why we are rebidding it again. They are dropping First Energy and PPL. They don't want to bid it. They had so many variables to sort out as they all bid it differently. Mr. Hart said there were well over 1,200 accounts.

The next item was Alcon. They would like to combine the preliminary plan with the final plan. Mr. Ludgate said at the August 25th Planning Commission meeting, the Planning Commission adopted a resolution recommending the plan by Alcon to expand their existing building on a 15,000 square footprint should be allowed to proceed by a joint preliminary/final plan with a notation that the bulk of the work falls within Alcon's own property. Mr. Butkus asked if this was approving the plan. Mr. Fitzpatrick stated no, we are just letting them file a preliminary/final plan. Mr. Fitzpatrick asked if anyone on Council has seen this plan. Everyone said no; however Mr. Ludgate stated Council had as they appeared at a meeting and presented it to them. Mr. Fitzpatrick and Mr. Butkus said that was a footprint. Mr. Ludgate said that is the only thing they showed to the Planning Commission as well. Mr. Butkus said he questioned it because they said they might need extra capacity in the plant for their connection. Mr. Ludgate said they told the Planning Commission that this new addition would not result in any new employees therefore no sewer was needed. Mr. Butkus said in the case of Alcon there are quite a few pieces of equipment that are water cooled. Water currently goes into the drain and that is why they had such a high water usage and sewer bills. Mr. Butkus said in their case it is not necessarily based on how many employees they have. Mr. Schlott agreed. They have a commercial operation that uses water and sewer. What

UNFINISHED BUSINESS (cont'd):

they discharge is usually within domestic levels. They are monitored within the use of the Sewer Use Ordinance. They have inquired about capacity however they have not approached us for any additional capacity. Ms. Sloan along with Mr. Fitzpatrick would like to see a copy of the plan. Mr. Hart said we do have a plan. It is a footprint; we don't have a formal plan as of yet. Mr. Butkus asked then how can we approve it. Mr. Butkus went on to say we are approving the joint plan not the plan itself. The only thing the Planning Commission has granted them was a one (1) step process. Mr. Fitzpatrick said that is their recommendation not knowing what this plan is going to contain. Mr. Ludgate said they had the footprint along with four (4) representatives from Alcon who made a presentation to them. They know it is a two (2) story addition with a 15,000 square footprint. They asked them if they would require any additional parking and they said no, as no new employees are being added. The only impact is storm water, traffic, etc. There are no significant impacts they are all internal. Mr. Butkus made the motion to allow Alcon to file a joint/preliminary final plan for review as the plan is within their borders and the external issues are minimal; seconded by Ms. Sloan. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The next item was the restriping of Penn Avenue. Mr. Ludgate stated at the Council meeting in August, Councilman Zerr requested Council approve considering the restriping of Penn Avenue. They have looked at this issue. The road varies throughout the length of Penn Avenue. In most places it is 48 feet curb to curb. Some places it is only 44 feet of curb to curb. The basic recommendation is that the striping should be done with a center turning lane as is done in West Reading and South Heidelberg Township. The recommendation of the Planning Commission is to request PENNDOT to restripe the lines wherever possible, to have a center turning lane and to also not lose curbside parking. It is a PENNDOT controlled situation. The matter also comes up because of the Queen Street intersection. Mr. Ludgate explained what the layout might look like. He stated making the lanes narrower has a beneficial effect on traffic calming. Traffic moves much better and safer in West Reading now because of this. The Planning Commission by resolution would like to approach PENNDOT about applying the same type of section on Penn Avenue wherever it is 48 feet curb to curb; then workout where it is 58 feet curb to curb. There is one (1) section of Penn Avenue right in front of the Borough Hall that is only forty (40) feet curb to curb. That section would have three (3) options. The first would be leaving it the way it is. The second would be to ask PENNDOT to go a little bit tighter on the Smart Transportation Guidebook which would allow ten (10) foot wide lanes. To stripe it for three (3) lanes, ten (10) feet wide and then have the other two (2) parking lanes, be only seven (7) feet wide. It would be very unusual for PENNDOT, but it might work. It would maintain the continuation of the center turning lane. The third option would be to restrict parking to just one (1) side and leave three (3) lanes of travel. The issue is, that a 48 curb to curb could work. The 58 curb to curb needs to be left alone until the intersection is straightened out. The question is how to deal with the 44 foot and that needs to be discussed with PENNDOT and worked out with them. Mr. Butkus' concern is about the portion in front of the Borough Hall, what would happen if we are having a bad winter and the plowing. You won't be able to park tight up against the curb; you are starting to crunch in on how wide the road is. With the size of some of the larger vehicles that travel these roads he is wondering how practical that is. Mr. Ludgate stated that eleven (11) foot lane because in becomes sort of an escape lane. Mr. Ludgate stated if you have a snow emergency, and you wouldn't have the total 44 foot curb to curb, you would need to put up temporary no parking signs or you could temporarily forego the center lane. He thinks that would be a managing issue. The Planning Commission's opinion was to

UNFINISHED BUSINESS (cont'd):

maintain the three (3) lanes and not sacrifice the parking on the curb, so maintain two (2) narrow parking lanes on the curbs. The next step would be to go to PENNDOT and say this is what we want to do. Mr. Ludgate asked Council how they should proceed to PENNDOT. Mr. Light stated can't we give them the three (3) options and then work down from there. Mr. Ludgate stated that would be his preference. The Planning Commission would like to try for the 44 foot wide section, try for two (2) separate parking lanes, and three (3) ten (10) foot lengths. Ms. Sloan questioned if we were bound by their thoughts. The answer was no. That is their recommendation. Mr. Butkus asked what the widest a vehicle could be without being considered extra wide. Mr. Fitzpatrick thought it was 102 inches. It is eight (8) feet six (6) inches. That would give you eight (8) inches on either side of the vehicle. Ms. Sloan and Mr. Butkus thought that was very close. Ms. Sloan stated there are some really big trucks that go by the Borough Hall on regular intervals. A brief discussion ensued as to the speed of the trucks. Mr. Schmidt stated the final decision on this will be PENNDOT not really the Borough as it is their road. Mr. Schmidt made a motion to authorize Mr. Ludgate to contact PENNDOT about the restriping of Penn Avenue; seconded by Mrs. Kutz. AYES – 3, NAYS – 2 (Mr. Butkus and Ms. Sloan), ABSENT – 2; motion carried. Mr. Schmidt asked what Mr. Butkus' opposition was. Mr. Butkus feels we should let it go and come with an answer. He knows the simple answer is to make the street wider however it is not practical. He doesn't know; there is no simple answer. He would like to let a sleeping bear lay not poke him with a stick. Mr. Schmidt disagrees with that, he comes down this road a lot and there is a problem here. He has no solution to the problem but he knows there is a problem. Mr. Butkus does agree there is a problem. Mr. Schmidt feels this might be the first step in looking at a resolution to the problem. Mr. Butkus wants to hear what the State says.

Back on August 19th Mr. Ludgate addressed a letter to Secretary Beihler, the Secretary of Transportation, concerning the downtown situation and the traffic concerns. Secretary Beihler directed the District Executive, Mike Rebert to address his letter. His response was that it is recommended that we would take the opportunity to express their concerns and consideration of a project for incorporation into the Transportation Improvement Program by addressing an opportunity to submit written testimony to the State Transportation Committee. We have submitted for funding some time ago and we along with others in Berks County were not selected for funding. The Transportation Improvement Plan which is a State plan that says how transportation money will be spent throughout the State gets reopened for 2011. If we submit with testimony in a timely way the project, we have proposed could be reconsidered potentially for 2011. In addition, to the official letter, Mr. Ludgate has spoken to our Transportation Planner in Berks County, Alan Piper. Mr. Piper has furnished to Mr. Ludgate copies of the document you use for submission. He also has encouraged Mr. Ludgate to make a submission. He feels we would have a good shot. Mr. Butkus questioned if this was the same type of plan PENNDOT has for fixing the intersection by the old Borough Hall. He knows that PENNDOT has their very long wish list of projects they would like to get done or is this if this project gets on the list it will get done within the next few years. Mr. Ludgate said the money that is spent on highways throughout the State has to be allocated by a process called the Traffic Improvement Program, (TIP). He went on to explain how it works. Currently our project is on the long range plan. To advance it to the TIP, we must submit written testimony to be considered for 2011. Mr. Butkus said by trying to get onto the 2011 list, it puts us on the shorter list for hoping to get it done. The answer was yes. Mr. Ludgate just wanted to inform Council that he would like to resubmit.

NEW BUSINESS:

The Planning Commission recommends that the final Brutto plan be accepted with conditions. There were five (5) conditions. One (1) condition was the owner's notarized signature. The second was the professional's seal and signature. The third was approval of the Borough's sewer engineer. There is a letter that was prepared for tonight's meeting from ARRO. A letter from PA American Water Company approving the plan and a developer's agreement and surety is also needed. In terms of the developer's agreement and surety, the public improvements are sidewalk along Keller, two (2) curb cuts – one (1) for a double driveway and one (1) for a handicap ramp on the corner of Sunset, and lot corner markers. This comes to a subtotal of \$ 5,700.00. Allowing a ten (10%) percent contingency and also costs of administration and inspections brings that total to \$6,897.00 as his estimate for the surety. In addition, there should be a deposit of \$800.00 for future stormwater inspections. Based upon the letter from ARRO those issues are pretty clear cut. There are a few comments. There was an existing structure there however they were not connected to the sewer to the best of their knowledge. There was a question to the number of EDU's, Mr. Schlott stated. They are proposing a semidetached dwelling; they will have to purchase two (2) unless they can produce documentation that the structure that was there was connected. There were a few comments with regards to putting a note on the plan stating the sewer improvements will be done in accordance with the specifications. There are a couple of details with regards to the sewer lateral connections. Mr. Schlott spoke briefly on the connections that needed to be made. They are minor comments. Mr. Butkus made a motion to approve the plan with the notes from our engineer and sewer engineer and that the capacity is purchased as per the tapping fee resolution that was passed that evening and to include the surety that was laid out; seconded by Mrs. Kutz. Mr. Fitzpatrick questioned if we have the plan and has every Council person seen the plan. Mr. Butkus stated he saw it. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Ludgate asked Mr. Brutto how he was going to post the surety. In addition, he must pay engineering costs as well. This money will need to be posted before he can pick up his plans. He said he didn't care; it is Council's decision.

Mr. Light said that it appears we will not have a quorum for the October 1st Council meeting. He said the meeting will be Wednesday, October 7, 2009 at 6:00 p.m. as he would like to make that Meet the Candidate night as well. Mr. Butkus had no problem with moving the regular meeting but questioned if it would be more appropriate having it before the workshop meeting at the end of October. Mr. Light said that would be fine. The regular meeting would then be a 7:00 p.m. The workshop would be on the 28th. Candidate's night will be on the 28th at 6:00 p.m. with the regular meeting to follow at 7:00 p.m.

Mr. Schlott told Council that he received a report that on Mt. Home Road, the new portion of the collection system, there was an inflow and infiltration condition occurring where there had been one prior. It appears from the investigation that Mr. Juzyk had done that it was at the same location where it was repaired. There was a sag before and it appears a new sag has developed. They will be investigating and getting back to Council with their findings.

PUBLIC COMMENT:

Mr. Edward Oswald of Thomas Place addressed Council. He was there for both sides of Thomas Place, the Borough side as well as the Spring Township side. Over the last few months,

PUBLIC COMMENT (cont'd):

there has been an increasing amount of vandalism in both municipalities. He went on to explain what types of vandalism has occurred. He stated unfortunately the Chief was not there but he was requesting that we have some type of street light installed and an increase in police patrolling. Someone from the Spring Township side was going to go to their meetings and ask for similar things to be done. It is getting more frequent. The last time they have seen a police vehicle either from Spring Township or the Borough has been months. He just wanted to bring it in front of Council. It happens around the same time usually between 9:30 and 10:30. The Mayor was taking notes and he will discuss it with the Chief.

TREASURER'S REPORT:**General Account**

Opening Balance – August 31, 2009		\$156,320.55
PLGIT		9,077.63
Invest	Recreation	49,516.26
	General Invest	4,356.19
	To Be Paid	(25,845.94)
	Total Acct Funds	\$193,424.69

Sewer Account

Opening Balance – August 31, 2009		\$154,235.56
PLGIT		61,142.60
Invest	Sewer Revenue	321,259.25
	To Be Paid	(67,886.90)
	Total Acct Funds	\$468,750.51

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

EXECUTIVE SESSION:

An executive session was held for litigation reasons at 9:00 p.m.

RECONVENE:

Council reconvened at 9:25 p.m. No action was taken.

MS. SLOAN:

Ms. Sloan questioned Sam Loth's bills. She wanted to know the status of the grants and such. She is seeing bills and she is just wandering what kind of grants he has secured for us. Mr. Light said he thought at the last meeting he was filing for more grants. She said she knows that he is applying for money, but what kind of money do we see in our hands. Mr. Ludgate said we had the reimbursement for the DCED money that evening for LUPTAP which he got us. Other grant

MS. SLOAN (cont'd):

applications are stalled because of the State budget situation. Mr. Light said nothing will be coming out of Harrisburg until that is settled. The committee would like to see a façade grant which would be administered through the Borough. This would encourage people along Penn Avenue to redo the outside of their properties. He believes the maximum is \$1,500 that would be a grant. They would hire their own contractor. This is a very popular program. We were told we should get that. Ms. Sloan said so we are paying someone \$2,500 a month which, she is not saying that the grants weren't applied for, but the net from that is what, zero, to date. Mr. Ludgate stated we have the \$45,000 reimbursement grant. Mrs. Shade stated we did receive confirmation that we were awarded that grant and we are submitting our first request for money for \$1,200.00. We need to pay the bills first and then seek reimbursement for them. Ms. Sloan requested what was paid out and what has come in so far for the workshop meeting. Mrs. Shade stated that Council does have all the information in front of them that evening. She explained if you go to the profit and loss you will see, under General Fund page one (1), we budgeted \$100,000 in income and currently we show nothing however we will be getting some type of reimbursement grant this year. If you go to page four (4), you will see the revitalization and LUPTAP and what we have spent year to date on that. She went on to say we budgeted \$75,000 and spent \$42,381.76. Ms. Sloan stated if things can't move forward because of the State budget then she couldn't understand why we are continuing to pay. That is her question. Mr. Butkus asked if this is still part of the money we approved to pay him in the beginning. Mrs. Shade stated yes. Mrs. Shade doesn't understand why his bills were so high this month. She continued that they usually run between \$500 to \$800 per month. Her thought was that we might not have had a bill the prior month and this month we are actually paying two (2) months worth of bills. Ms. Sloan stated one (1) was for \$1,000 something and one (1) was for \$1,400.00. Mrs. Shade again said we might not have received a bill the prior month that is why it might appear to be high. Mrs. Kutz questioned if the Administrative Committee was going to get together to review where we are this year. Mrs. Shade said she is beginning to put the budget together and then meets with the Admin. Mr. Butkus said he had Mrs. Shade print out the budget for next year so they can start to prioritize where we will be next year in regards to the sewer budget. He will meet with the Committee, Pete, and Dave next Thursday at 1:00 p.m. to review the budget.

ADJOURNMENT:

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

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer