

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, September 4, 2008 at 7:00 p.m., at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Debra Bohn called the roll reflecting the following Council Members present:

Stewart Wenrich
Bruce Light
Barbara Kutz
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, Ronald Wentzel, Liberty Fire Company, and Debra Bohn, Administrative Assistant, 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 August 7, 2008 Council meeting; seconded by Mr. Schmidt. AYES – 7 NAYS – 0; motion carried.

VISITORS:

Eric Brinser of Rettew Associates was our visitor. He was there that evening for final land development plan approval for the Scranton Altoona terminals for the expansion of the Reading terminal facility located on Mt. Home Road. They were in front of Council a month or two (2) prior looking for a waiver of the preliminary plan approval which was granted. They have a recommendation from the Planning Commission for conditional final plan approval. They have addressed the Borough engineer's comments with the exception of the letter of credit which is pending. They are waiting on that from their bank. Mr. Eisenbrown stated everything on the technical end is in line. As of that day Mr. Eisenbrown did receive an estimated cost estimate. The amount was \$147,333.43. He is acceptable with that. The other issue is the storm water agreements. He was not sure of the status and questioned Mr. Fitzpatrick. The stormwater agreement along with the municipal improvements agreement has been signed by them. When we get the letter of credit we have met all of Mr. Fitzpatrick's requirements. Mr. Zerr made the motion to grant conditional final approval based upon receipt of the letter of credit in the amount of \$147,333.43; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

COMMUNICATIONS:

There were no formal communications.

APPROVAL OF THE BILLS:

Mr. Light made a motion to pay the bills; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

REVITALIZATION PROJECT:

Mrs. Dorian Cola addressed Council on our first annual Revitalization Day on September 14, 2008. She continued this will be when the project is introduced to the community. We will have an informational area, baseball games, bingo, and a children's art contest. The Park and Rec Board will be there doing games for the kids, and they will be selling a t-shirt that we designed to promote the project. We are asking all the volunteers to wear them. The Historical Society will have their center open from 12 to 5. In addition, we will be having a remote radio broadcast from I-105. They will be there 2:00 to 4:00 p.m. Two (2) of the committee will be on Y-102 the following day promoting the project. In addition, ads were run in the Reading Eagle and were on Channel 69 Community Bulletin Board. We are hoping the draw will be a signed guitar by Taylor Swift. We are opening to draw the community together and she is from the area. Mrs. Cola passed out the bag which holds t-shirts for all of Council. Mrs. Cola requested Council where the t-shirts; this is our way of promoting the project, please where them when you come down to the fire company on Sunday. We need to make this community survive and go forward for future generations. This day is very important to the continuation of the Borough. She explained that we need Council to come and support the day and explain what the project is about and how it will benefit the community. She extended a personal invitation. Mr. Bernard Campbell explained what the economic and finance team was doing. They are going out and reaching out to businesses. They are showing the official map and getting them involved with traffic problems, etc. The second thing is putting together a community profile. This is basically a list of assets, liabilities, a picture of the town, etc. We want to tell people why they want to invest their money here. They are also looking into "structure". We are at a point now where people don't really know about politics however they need to develop a structure. They need to work with Council. Mr. Campbell stated that Council is extremely important and that we are now far enough along that we shall need to solidify what the relationship between Council and the committee is. He thanked Council for their time.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the August monthly report. An executed IPP permit was delivered to Dunkin Donuts. The Wonderful Chinese Restaurant submitted a permit application and a permit is being drafted. They began the 3rd quarter sampling of commercial permittees. The DMR-QA Study 28 data package was submitted to PT Providers and PA DEP DMR-QA coordinator. An infrared study of plant controls was performed by Reading Electric. Preliminary findings reported verbally identified two (2) items of concern; malfunctioned control fan and blower bearing lubrication issue. RAS pump 1 was removed by A.C. Schultes personnel to be rebuilt at their facility. There were three (3) service calls during the month. They applied root control product to 1,188 ft. of sewer main on Oberlin Avenue and Elizabeth Drive and to the sewer lateral at 118 Oberlin Avenue. They flushed 2,557 feet of sewer lines and televised 2,679 ft. There were 27 plant maintenance work orders completed. As of that day all the damages from the lightning strike have been repaired. The total monthly flow was 16,020,000. The average daily flow was 517,000; the minimum daily flow was 472,000; and the maximum daily flow is 567,000. Total rainfall was 3.05 inches. The

MILLER ENVIRONMENTAL (cont'd):

breakdown was Sinking Spring (which includes an unmetered portion of Spring Township) – 60.8%, Lower Heidelberg – 30.1%, and South Heidelberg – 9.1%. We still remain on elevated levels of BOD and solids. Mr. Juzyk also included a list of his capital items for the 2009 budget. A brief discussion ensued about BODs and solids and what is allowed.

COMMITTEE REPORTS:**LIBERTY FIRE DEPARTMENT – RONALD WENTZEL:**

Mr. Wentzel has two (2) concerns. One (1) is access to a sprinkler system in the rear of Berks Fitness Center. They have added a whole bunch of stuff and they are limiting the fire department access to that area. In addition, the new townhouses on Clematis the numbers must be larger. The minimum they can be is 4 inches. The concerns were passed on to Mr. Zerr.

Mr. Greg Dietrich was there to speak about the task force. They are making great progress. They are trying to schedule a meeting for a full blown presentation to all municipalities. It is for information. The meeting will be October 21st. Mr. Wentzel stated that Mr. Dean Fernsler recommended who from each municipality should serve. He did not recommend Fire Chiefs. There was to be a member of Council, fire personnel, and a citizen at large. The Officers of each of the four (4) companies have had numerous meetings and are trying to stay abreast of what is going on. Mr. Dietrich stated that the task force is trying to come up with the best for everyone. He continued in speaking with Mr. Zerr he understands that some on Council feel this is beginning shoved down their throats. The meeting is informational only. You will be able to bring all the information back and sit down in your own municipality and hopefully make a sound decision. Everyone is working together and very hard at this. He is aware there is a concern that South Heidelberg does not have a fire tax and Mr. Dietrich stated they are working on that with them as well. He feels this would be a great thing. With all the equipment from the four (4) companies there is no equipment that will be needed. If this happens we will be the first one (1) of these mergers in the State of PA. There are other organizations that want in on this however they told them they will need to wait. The County is also in favor of this and is working with them as well. Mr. Wenrich stated we received notification from the task force wanting each municipality a certain fee so they can get together on their bylaws, etc. He knows for himself that we have not heard anything. This group was to be formed and give information back to Council; not be asked for money. Mr. Wenrich stated by setting up bylaws, etc. that means you are entering into an agreement without a vote. We need more info. Mr. Dietrich agreed. He was not expecting to hear any money amounts until after the group meeting. That is how Mr. Wenrich thought it was to happen. Mr. Wentzel thought too it was to go out after the meeting. Mr. Dietrich stated the last thing they want to do is make them feel they are shoving this down their throat. Ms. Sloan stated the task force is really winding down with the formal discovery. Wernersville and Sinking Spring are the two smallest entities out of the four (4). Demographics were looked at. Ms. Sloan was on demographics. She explained what has to be done and why. Mr. Mike Mixell who is legal counsel for the Borough's fire company as well as Fritztown Fire Company has agreed at a cost of roughly \$6,000 to draw up these documents. She feels this is very reasonable. Mr. Wentzel explained how the separation of the fire department and the social quarter's will happen. Mr. Wentzel explained that part of the \$1,500 will be used for our own separation as well. Mr. Fitzpatrick said that we

LIBERTY FIRE DEPARTMENT – RONALD WENTZEL:

probably don't need to have bylaws presented at the meeting on the 21st. It is more important that we iron out issues such as basis for the contributions, etc. Mr. Wentzel stated that he did not think that they were bringing bylaws to the meeting. Mr. Fitzpatrick stated that they did ask for the \$1,500 so they could present the bylaws at the meeting on the 21st. Ms. Sloan feels it is impressive, the way they are all working together. Mr. Fitzpatrick stated they were informed that the four (4) departments have gotten together and have elected a Chief and other officers as well. There will be an administrator to oversee it. Job descriptions have been created for each of the positions as well. Mr. Light asked Mr. Wentzel if he would like to see this happen. Mr. Wentzel stated that was not for him to say but he personally would like to see this continue.

POLICE DEPARTMENT – CHIEF JAMES OXENREIDER:

Chief Oxenreider stated they had 186 calls for the month of August. They had 28 traffic citations, (was not able to understand) parking tickets, and (was not able to understand) warnings were issued. The Dodge Charger should be done around the 10th or 11th. The cage is in and ready to be put in.

SEWER AND SANITATION COMMITTEE – GEORGE BUTKUS:

Mr. Butkus stated they had the meeting with the PA DEP in regards to Lower Heidelberg's appeal of the Corrective Action Plan. Spring Township was also at the meeting as Lower Heidelberg had filed an appeal with their ACT 537 plan and the DEP was trying to cut down on meetings. He feels it was very informative. Mr. Schmidt and Mrs. Kutz were there. Mr. Butkus feels that Lower Heidelberg was unaware of the timetable in this matter. He continued that DEP did say that there was nothing impeding us from moving ahead with our CAP. We can continue as we see fit. In addition, Mr. Butkus spoke with Mr. Jay Vaughan and they are looking at dates to sit down together.

SEWER ENGINEER – DAVID SCHLOTT, JR.:

Mr. Schlott stated the WQM Part II permit application package was submitted to the PA DEP on July 30, 2008. Everything that was sent to the DEP also went to the Delaware River Basin Commission so they can give their permission before the DEP can give them the permit. This probably will be on their December docket. The NPDES permit has been received from DEP. This will entail the renewal. The draft permit went to the sewer committee as well as Miller Environmental. In regards to the new phosphorous limits, ARRO recommended retrofitting the existing sodium hypochlorite system due to the substantial capital cost savings as well as from an operational standpoint. A brief discussion ensued as to when this all would be happening.

STREETS, BUILDINGS, & UTILITIES – BRUCE LIGHT:

Mr. Light stated Mr. Hart received his residential plumbing license. He was passed by Harrisburg. He took this to the admin committee and they recommended he receive his \$1,500.00. Mr. Light made a motion to give Mr. Hart his \$1,500.00 per year raise for receiving his residential

STREETS, BUILDINGS, & UTILITIES – BRUCE LIGHT (cont'd):

plumbing license; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

MAYOR NOECKER:

The Mayor stated that as of the 15th of September we shall have our 6th full time man out on the street. In addition, on September 5th our Police Chief Oxenreider will observe his first anniversary as Chief. The Mayor thanked him for his service.

ADMINISTRATION – JAMES ZERR:

Mr. Zerr had two (2) items. The first was to each department head and committee chair; he wanted preliminary budget amounts for the workshop meeting which is September 24th. It is just a rough draft and items that you would like added. The other item was that we received notification from PENNDOT regarding the Rt. 422 Corridor preconstruction meeting. It is this coming Monday at 9:00 a.m. in Allentown. Mr. Hart is unavailable to attend. He will be in Harrisburg on other business. He was requesting Ms. Schmidt, Mr. Zerr, and Mrs. Shade goes in case some forms need to be signed. He feels since Mr. Schmidt is head of Public Safety he should go.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart stated that the Ashley Road has been basically completed. It went quite well. The pole building is underway. Columbia Avenue will be closed from South Hull to Woodrow. It should be closed for at least a week and detours will be set up. Mr. Schmidt questioned when the new keys were coming in and what the arrangement is. Mr. Hart stated that they should be here the 11th and 12th to start and finish it. It will be up to Council on how the keys will be dispersed. Mr. Schmidt questioned if this will be a key card. Mr. Hart stated no it will be a key. Each building will have a key and then each door will have a key. It also will be keyed under a grand master key. This does include the playground. The cost will be around \$1,900.00. Mr. Hart stated this is what Council did approve. It was budgeted at \$1,500.00 however it came in about \$400 higher and Council back in May voted for the extra amount. Mr. Schmidt feels we need some type of procedure for the handing out of the keys.

UNFINISHED BUSINESS:

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.

Revitalization Day will be Sunday, September 14th from 11:00 a.m. to 7:00 p.m. with an open house from 12:00 p.m. to 5:00 p.m. Mr. James Yarger stated the design committee met and were basically talking about the streetscape and trying to get some ideas. They have several websites that they are gathering information from. He visited Lititz and Tyrone, PA. He explained what they are looking into and asked everyone to contribute. He asked if anyone had any areas they wanted him to visit or websites for him view to please contact Mrs. Shade and she will contact him. They Mayor would like to see a town clock. Mr. Wenrich stated he drove through Annville-Cleona

UNFINISHED BUSINESS (cont'd):

at night after they did their revitalization and it is magnificent. They had it decorated very nice. It gave him the small downtown feeling. It was great. Ms. Sloan stated if we could get money from the State for a pedestrian walkway over Penn Avenue; we could really use that, perhaps maybe even two (2) of them.

The next item was the admin car. It was advertised and we received one (1) bid from the Police Car Store. Their total was \$525.00. Mr. Hart recommended we take the bid. Mr. Zerr made a motion to accept the bid of \$525.00 from the Police Car Store; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

Brookfield Manor was next on the agenda. As requested at the workshop meeting, Mr. Hart and Mr. Eisenbrown have been working on this project. It is very broad. The total for both phases is \$724, 400.00. The sanitary sewer has not been televised so there might be something “lurking” that we are unaware of; the same with the stormwater. It appears to be working. Paving prices have gone through the roof. This at least gives us a starting point. Mr. Schmidt asked Mr. Fitzpatrick if he made contact with Mr. Elliott. Mr. Fitzpatrick stated he had and he is renewing his line of credit. Commerce Bank is to be doing this within the next few days however we don’t have it now. However, he suggested to Council to authorize Mr. Hart, Mr. Eisenbrown along with himself to take whatever measures are necessary to draw on the existing line of credit if by September 20th we have not received a replacement line of credit extending the line of credit for another year. The line of credit we currently have expires by the end of this month. Mr. Elliott stated that many of these items will be completed by that time, many will not. That means we need to have security. Mr. Elliott did say in the e-mail that some of the items have been completed. Mr. Eisenbrown stated those were his thoughts. They were not completed in his or Mr. Hart’s mind. Mr. Fitzpatrick stated they should get in touch with him. Mr. Eisenbrown stated that he and Mr. Hart for six (6) months stated there has been inactivity on the developer’s behalf. Ryan Homes have repaired curbs and sidewalks on the Borough’s request. We have had two (2) meeting with Schlouch and the developer each time was a different person from Schlouch. He just received a phone call from a third person at Schlouch requesting a meeting out there. We are running out of time to get paving done. Schlouch has not “mobilized” to the best of his knowledge. He continued we can entertain this for perhaps one (1) more meeting however there comes a time when they “just got to go.” Ms. Sloan asked for his thoughts. He feels there is real no reason not to do that. A brief discussion ensued. Mr. Fitzpatrick stated why we would take over the streets at this point in time. A discussion ensued over this matter and how it could be done. Mr. Wenrich questioned what would the time line be to get the televising done. Mr. Hart stated that was actually Mr. Elliott’s choice. He could hire an outside firm or utilize Borough staff. They have requested a price quote for the Borough to do it. He felt he could get it done cheaper. Mr. Schlott stated that they had done an inspection out there to generate a punch list. There were items. One (1) of the items was the televising, etc. of the lines. Mr. Fitzpatrick stated we do have an improvements agreement that makes him make improvements within 365 days. In this type of development it usually doesn’t happen and extensions are usually granted. We can stop granting extensions but Mr. Fitzpatrick feels that perhaps a conference call might be for the best in regards to this issue. We can then narrow it down. Mr. Hart doesn’t feel we will get a wearing course on there this year. Mr. Butkus would like to see the televising occur no longer than three (3) months before the wearing course

UNFINISHED BUSINESS (cont'd):

goes on. At this point we just don't know; we did ask for a written schedule. He would love to have them present a written schedule to Council within the next few days. Mr. Zerr made a motion to get Mr. Hart, Mr. Eisenbrown, and Mr. Fitzpatrick on a conference call with Mr. Elliott to solidify and clear up a bunch of these items and report back by the workshop so Council can take whatever action is necessary or appropriate; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. Mr. Schmidt stated they will continue to pay their own trash until we take over the streets to which Mr. Fitzpatrick stated that was true.

The next item was Hillpoint Circle. Mr. Eisenbrown stated we received a requested dated August 24th. The 18 month maintenance period has come to an end. They are asking for a release, subject to a walk through. It has been dedicated since 2006. Mr. Zerr stated no sinkholes were found. They also requested ARRO look into their portion as well. It was decided that Council will review the report before making a motion to release the funds.

A new plan has come in for the area behind Dairy Queen. They propose 36 to 40 units on that site. They will be reviewed by the Planning Commission.

The other plan that has come back is the Sunset Apartments. A discussion ensued as to access for fire equipment. Mr. Eisenbrown was hoping that Mr. Paul Roth, Fire Marshal would attend the next Planning Commission to discuss this type of thing.

NEW BUSINESS :

The first item under new business was the MMO for the Police Pension Plan. Mr. Zerr explained this is standard; we do this every year. This is the Borough contribution according to Ms. Sloan. Mr. Butkus made a motion to accept the Police Pension MMO in the amount of \$71,352.00; seconded by Mr. Light. AYES – 6, NAYS – 0, ABSTAIN – 1 (Ms. Sloan) as she is involved with police negotiations.

The next item was the non uniformed pension MMO in the amount of \$42,191.00. Mr. Butkus made a motion to accept the non uniformed MMO for \$42,191.00; seconded by Mrs. Kutz. AYES – 4, NAYS – 0, ABSTAIN – 3 (Ms. Sloan, Mr. Schmidt, and Mr. Zerr).

EXECUTIVE SESSION:

An executive session was held at 8:36 p.m. for police contract and litigation purposes.

RECONVENE:

Council reconvened at 9:16 p.m. No action was taken.

PUBLIC COMMENT:

No public comment.

TREASURER'S REPORT:General Account

Opening Balance – August 31, 2008		\$ 68,392.32
PLGIT		8,935.32
Invest	Recreation	48,951.66
	General Invest	402,568.18
	To be Paid	<u>56,640.18</u>
	Total Acct Funds	\$472,207.30

Sewer Account

Opening Balance – August 31, 2008		\$119,656.23
PLGIT		60,167.86
Invest	Sewer Revenue	441,864.06
	To be Paid	<u>46,779.91</u>
	Total Acct Funds	\$574,908.24

Mr. Butkus made a motion to accept the Treasurer's Report; seconded by Mr. Light.
 AYES – 7, NAYS – 0; motion carried.

ADJOURNMENT:

The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

 Regina M. Shade, Borough Secretary/Treasurer