

The workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, September 23, 2009 at 7:00 p.m., at the Sinking Spring Borough Hall by Vice President Bruce Light. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

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

VISITORS:

There were no visitors.

BUSINESS:

The regular scheduled meeting of the Borough Council has been changed to Wednesday, October 7th at 7:00 p.m. Beginning at 6:00 p.m. that evening there will be a "Meet the Candidate Night" hosted by Mr. Fitzpatrick.

Bulk cleanup day is Wednesday, October 14th.

The flu clinic has been cancelled due to lack of the flu vaccine. Ms. Sloan wanted to know our option on that. She asked Mr. Fitzpatrick since we have a lot of elderly residents. Mr. Fitzpatrick said they will need to go to their doctor. Mrs. Shade stated they will need to pay. Ms. Sloan stated she was thinking of the people who can't drive; she was wondering what we could offer them; Mr. Butkus said nothing. Mr. Butkus said everyone is in the same boat because the production line was diverted to do the swine flu.

Mrs. Shade said the Holiday Open House will be Wednesday, December 2nd at 7:00 p.m. Santa will be arriving by fire truck.

The next item is the Borough employee and volunteer Holiday party at Green Valley Country Club. We have done this in the past and Mr. Light questioned if Council wanted to continue with this or not. After every dinner, we have always booked for the upcoming year. The date is December 4th. It is always the first Friday in December. Ms. Sloan questioned Mrs. Shade

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how much this usually costs. Mrs. Shade stated in the past we had music all night however last year we cut it back to dinner music. It usually runs in the area of \$3,000.00. Mr. Light questioned what time does it start. She said we usually had a cocktail hour from 5:30/6:00ish to around 7:00 with dinner to follow. It is a cash bar. In the past we have offered three (3) entrees – ham, fish, and a beef dish. Mr. Schmidt made a motion to move forward with the Borough Holiday Party at Green Valley; seconded by Ms. Sloan. AYES – 3, NAYS – 1 (Mr. Butkus); motion carried.

The next item was the release of the bond for Cacoosing and Reedy Rd in regards to the Brookfield Manor Development. Mr. Fitzpatrick said that at the beginning of this development we had a separate improvement agreement requiring the posting of a bond covering damages to either one or both, Reedy Road or Cacoosing Avenue. This is concluded now. Mr. Hart & Mrs. Shade had spoken to Mr. Fitzpatrick about this and currently we need some direction on whether we should be drawing on this bond if there is damage or refunding the bond to the developer if there is no damage. Mr. Ludgate said that Reedy Road is in fine shape and he believes there is no damage on Cacoosing Avenue caused by the developer as well. He said the new sidewalk has also been started along Cacoosing and Reedy. He agrees it is appropriate to release the money. Mr. Hart agrees as well. Mr. Butkus made the motion to release the bond; seconded by Mr. Schmidt. AYES – 4, NAYS – 0; motion carried. Mr. Fitzpatrick also had the deed of dedication for the streets in Brookfield Manor. It has been executed by Mr. Elliott. We have to pass an Ordinance to accept the deed of dedication accepting the streets. Mr. Fitzpatrick briefly explained what the procedure is. September 1st is usually the day all the roads have to be submitted for Liquid Fuels reimbursement; however Mr. Fitzpatrick believed Mr. Hart has spoken to PENNDOT and that they were going to keep this open. Mr. Hart said they were going to try. Ms. Sloan had a question; she didn't see the second on the roads. Mr. Hart said it was completed. Ms. Sloan questioned if he had driven through there to which Mr. Hart said yes. Mr. Ludgate stated they were finished paving in July. She also questioned of the little items that were used to divert the water if they were removed. The answer was yes. Mr. Hart and Mr. Ludgate both said they did a super job. Mr. Fitzpatrick stated they were going to require them to keep a bond worth up to 15% of the value of the improvement costs. It has nothing to do with Reedy and Cacoosing. It is an eighteen (18) month maintenance agreement. Mr. Butkus asked if everything is completely done so that we could take dedication at this time to which the answer was yes. The last item outstanding item was the sidewalk on lot #11 and they are working on that currently. Mr. Fitzpatrick said that has nothing to do with taking dedication of the streets. Mr. Butkus made a motion to adopt the Ordinance accepting the dedication of the Brookfield Manor streets and that we have our staff take the necessary steps for billing them for trash (Mrs. Shade stated we are not going to be billing them for trash until January of 2010 as we need to give them notification); seconded by Ms. Sloan. AYES – 4, NAYS – 0; motion carried.

The next item was Carpet Warehouse. Mr. Hart stated this was in regards to the sewer connection at the Mt. Home Road Pump Station. He is continuing to get prices to do the work. We will do this ourselves and then bill the property owner. The property owner can't afford to do it, won't do it, and can't do it. There are nine (9) properties that have to be connected to this and they aren't doing it. Everyone else has done it. Mr. Hart has spoken to this gentleman a number of times and he just doesn't have the money. He was okay with the Borough doing it and then placing a lien against the property. He has gotten two (2) bids and is just waiting on the third. We will enter into

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an agreement where he would agree to pay. Mr. Fitzpatrick needs some guidance from Council on just how long they want to go out with this? Ms. Sloan asked the cost to which Mr. Fitzpatrick stated we don't know as of yet; we are still waiting to get the final bid. Ms. Sloan asked for the general range to which Mr. Hart said around \$12,000.00. Ms. Sloan stated depending on what it is, she would go for like three (3) years; \$1,000 a quarter is a responsible payment. She would not like to go out more than that if he goes belly up then we are out the money. Mr. Fitzpatrick and Mr. Butkus stated we would have a lien against the property. Mr. Fitzpatrick continued said a municipal lien will jump ahead of other things. It is the Carpet Warehouse as well as the consignment shop. A brief discussion ensued. This issue was tabled until we receive all the bids. Mayor Noecker raised the question if a home that is not currently connected to the sewer located near the cemetery is sold must they connect to the sewer. It has a septic system. Mr. Fitzpatrick said he didn't know how far away they were from the line to which the Mayor said it was quite a ways. Mr. Butkus stated if they aren't going to be doing any changes on the property (because of the geographical location) they are grandfathered. Mr. Schlott said yes, and they are over 150 feet away. The only thing that would change this would be if their own lot system starts failing. The choice would be for them to find an alternative site to place the system. They have about two (2) acres. Mr. Butkus said that DEP could come in and change the rules but currently they would be grandfathered as long as the make no significant changes. Mr. Fitzpatrick said it was a State law he was not sure that DEP could come and make them make changes.

The next item was the recommendations by the Planning Commission. Mr. Ludgate stated the only recommendation they had was to inform Council that they are recommending a change of the zoning map. The Planning Commission was wondering if Council would like to have an informal discussion on this. Mr. Ludgate showed them a map and stated the changes are simple. One (1) is to correct the map because one (1) zoning line did not actually follow the property line as intended. There are at least two (2) different versions of the zoning map in the Borough Hall. They are recommending the newest map be the brand new zoning map. Mr. Ludgate stated they want to put the McDonald's property in the same zoning district as the former Boscov property. From the western line of the McDonald's property to the VFW, they are proposing a new downtown zone. It would be a mixture of residential, retail, and offices. Those regulations are being written. Mr. Fitzpatrick was requested to complete a draft of the proposed downtown zone rules and get them to Council for their review. Mr. Fitzpatrick asked Mr. Ludgate if he feels the changes would qualify as a pretty broad change to the overall scope of the Ordinance or would it be specific. Mr. Ludgate is hoping that it is overall. A brief discussion ensued as to how and why the different maps exist. Mr. Ludgate stated they were requested by Council in 2006 to begin this process. As they were working on it, they came across some of these differences. Ms. Sloan asked what the cost was to get a corrected map. Mr. Ludgate stated that was part of the authorized work from 2006. He said back in 2005 they were authorized to prepare an overall map of the Borough called the TOPO map. That was used as the basis for this. Ms. Sloan understood that however she was talking about that evening's changes what is the additional costs are we going to incur to get those changes. Mr. Ludgate said the only cost will be the advertising. Mr. Fitzpatrick explained to Ms. Sloan and the rest of Council that you must have a hearing, and you must advertise the notice. She would like to get a small map. Mr. Ludgate explained there is an official map that must hang in the Borough. He explained how and who gets copies of the maps. No action needs to be taken that evening. Mr. Jim

BUSINESS (cont'd):

Adams, a resident, wanted Council to let the marketplace drive the choices. Mr. Fitzpatrick said that since he has been Solicitor for the Borough, Council has always responded to requests for rezoning. He cited some of the rezoning requests. Mr. Fitzpatrick said you can only plan for so much. That is what Mr. Ludgate is doing. Mr. Ludgate stated the week prior the sale of Boscov's went through and the new owners are there.

The next item on the agenda was the Resolution for the fee reservation for sewer capacity. Mr. Butkus said there was talk about certain developers both in the past and perhaps currently that want to reserve capacity in the plant but not buy the capacity. This would allow the Borough to collect money for holding the space in the plant for them. There will be no sewage flowing to us; but at the same time it guarantees them that capacity for a certain amount of time. It is favorable to everyone. It is helpful in planning out how much capacity is available. The sewer committee has discussed this. Mr. Fitzpatrick said we are committing to the developer that we are not selling this capacity to anyone else. Mr. Fitzpatrick said that Mr. Schlott has calculated out the maximum fee for this reservation to be \$234.72 per EDU. So, if a developer says he needs 50 EDU's you would multiply the 50 EDU's by the \$234.72. That is the annual reservation fee; so if they want to reserve it for more than a year, they will have to pay more on the anniversary date for another year. You can do this for up to three (3) consecutive years the way it is currently written. They will need to make a decision at that point. Mr. Butkus questioned if Council would have the right to extend them if there were extenuating circumstances to which Mr. Fitzpatrick said yes. It is always subject to an agreement with Council. Mr. Fitzpatrick said the number does not pay the tapping fees. They will need to pay the tapping fees when the project begins. In addition, the reservation fees are not credited to the tapping fees. They are not refundable. They can prepay it if they want to. Ms. Sloan stated those funds will go into the sewer authority account to which Mr. Butkus corrected her and said the sewer revenue account. They are not general funds. Mr. Butkus said this money will be most likely used to pay down the debt or previous or current upgrades. This actually runs with the land so if a new developer comes in this will go to the new developer. This is an asset. A discussion ensued with different scenarios. Mr. Schlott stated when the project is in the review mode, planning modules will be required. He went on to explain why this is needed. Mr. Butkus made a motion to adopt this resolution; seconded by Ms. Sloan. AYES – 4, NAYS – 0; motion carried. An agreement will be needed.

The next item is the Public Hearing for the TIF. Mrs. Shade explained this is where the Wilson School District, the Borough, and the County give up a portion of their tax base on the proposed TIF district. The public hearing is 6:00 p.m. on November 5, 2009 before the regularly scheduled Council meeting. Mr. Butkus questioned if he missed something. He questioned whether we agreed to move ahead with this or is this just a hearing before we decide if we are going forward with this. Mr. Fitzpatrick said there was no decision to move forward with this. Ms. Sloan asked what this is about. This is required by State law. When you establish this TIF district you must have a hearing prior. This financing allows you to borrow money and use the additional tax monies that were created by the improvements in those districts. Ms. Sloan said all the money gets put into a big pot and then the individual entity decides how they pay it down. Mr. Fitzpatrick stated no. Mr. Butkus thought we were borrowing against the projected increase. Mr. Fitzpatrick and Mr. Schmidt said no. It is the actual increase. Mr. Schmidt said we don't borrow the money the Berks County Redevelopment Authority borrows the money. We must establish the district.

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Mr. Fitzpatrick stated what we have done so far is committed to people; Mrs. Shade stated Mr. Bernie Campbell is our representative on the TIF committee. Ms. Sloan asked if it was the Wilson School District that basically compromises that or is this different. Mr. Schmidt said they would need to be in on it. Mr. Schmidt said the letter states it is about twenty (20) properties in the proposed TIF district. Mr. Butkus misunderstood how this works. Mr. Schmidt stated at this point in time, no one is totally committed to it yet. However, everybody that is normally involved in this, the Borough gives 100%, the County gives 100% and Wilson gives a percentage they agree upon. Mr. Ludgate stated the State has a new program out where the State will become the guarantor. Mr. Schmidt said at the last meeting the discussion was we would give 100%, the County would give 100%, and the School District would give 50%. The School District would be giving the most amount of dollars. A discussion ensued about how TIF is calculated. Mr. Fitzpatrick said that he believes Mr. Pick stated at the last meeting if the County and the Borough give the 100% and the School District gives the 50%, we would be able to borrow 1.5 million dollars and pay back on what they are projecting right now. Mr. Butkus stated this is all based on what the estimated tax increase would be. Mr. Ludgate stated at that point the guarantor would have to pay, and that would be the State. Mr. Butkus stated that is if they become the guarantor if not somebody else will have to come up with it. Mr. Ludgate stated it could be any of the three (3) bodies involved mostly likely it would be the County. Mr. Pick told Mr. Ludgate that DCED is ready for the revitalization of this Borough that they are ready to step up. They also funded a LUPTAP study for Spring Township and they are insisting that Spring Township join with Sinking Spring in the improving of Penn Avenue. Ms. Sloan stated if the school goes in for 50% that it might be a viable option but if they don't it might not be viable to which everyone said yes. Mr. Schmidt said if they are under the 50% then it becomes a bit shaky. Mr. Ludgate stated it just changes the amount of money. Ms. Sloan stated then we are on the hook for more to which Mr. Fitzpatrick stated that wasn't true. Mr. Fitzpatrick stated it might not be feasible. Mr. Schmidt said if the breakdown comes down to the 100/100/50 for the maximum loan then it should be paid off in about 17 years. It is a 20 year loan but it should be paid off in 17. Mrs. Shade said that Mr. Pick will be at the hearing. Mr. Schmidt said this is not a new process; it is just new to us. Currently Exeter has a TIF District. Mr. Fitzpatrick said that Hamburg has one going on as well.

COMMITTEES:

Mr. Hart said at the last Council meeting, Council approved the land development plans for Paulo Brutto at 43 Keller Avenue. He didn't have the certified plans at that time but he does now and requested Council to sign the plans that evening.

Mr. Ludgate had some copies of a booklet put out by the Smart Growth Network and they were there for Council to look at if they so choose.

Mr. Butkus stated he along with the Sewer Committee, Mr. Pete Juzyk of Miller Environmental, and Dave Schlott are trying to get an informational meeting together of all the industrial users. They want to give them information about what they can and can't put down the drains. Ms. Sloan asked if it is possible to put together a one sheeter for households. Mr. Butkus

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stated it was doable but the first big sweep was to the people and businesses that are getting charged a substantial amount of surcharges fees. Mr. Butkus feels there is something around that we could use. Ms. Sloan feels something should go out this year. She doesn't think it would be that expensive to do. Mrs. Shade stated to save on some of the costs perhaps we could put something in the newsletter about it. Mr. Butkus stated there are links that we could put on our website that would allow people to pull the information from there. Ms. Sloan stated we have a lot of elderly people that don't have computers. We can print copies of it out and have copies of that information here that way we don't have to pay to mail it. Mrs. Shade feels the newsletter will be a great way to get the information out. Ms. Sloan thinks copies of it up in the front when they come in to pay their sewer bill will help also.

Mr. Schmidt stated we are having a joint meeting about the County police force discussion on Tuesday, September 29th at the Spring Township Fire Department. Mr. Schmidt said he had Mrs. Shade send a reminder to the Chief about this meeting; however the Chief sent the letter back to Mrs. Shade stating he was not planning on attending. He was listening to the County Commissioners and they were asking that all the police chiefs attend this. Mr. Schmidt asked the Mayor if he thought we could make him attend this. The Mayor said we could. The Mayor said he did attend the first meeting. The Mayor will talk to him. He gets paid for the meeting. Mr. Butkus asked what this meeting was for. Mr. Schmidt said it was for the centralization of police forces. Mr. Schmidt said there are five (5) or six (6) different plans available. The one (1) they are talking the most about is the one that includes quite a number of police forces. Ms. Sloan said how did this come about? Mr. Schmidt said this has been talked about for quite some time. Mrs. Shade said it has been three or four years since the discussions began. Mr. Butkus questioned what are they presenting or are they asking for information from us. Mr. Schmidt said this was just a general meeting. A brief discussion ensued to how this would work. One (1) of the biggest concerns is the financing. Mr. Schmidt asked Mrs. Shade if the health insurance for the police department was handled under the police department portion of the budget to which Mrs. Shade said no, they are lumped into the insurance portion which carries all employees. Mr. Schmidt said that is a misnomer as to what the police department is actually costing the Borough. They were talking about realigning that to see actually how much that was really costing us. Mr. Butkus questioned are we getting any input on this or are they just sweeping us along. Mr. Schmidt said no. Mr. Butkus stated shortly after Mr. Wenrich became President a questionnaire was sent out and we decided not to return it. We wanted to keep our local police. Mr. Schmidt said this is far, far, far from being something that is going to be instituted. This is still in a study stage. Mr. Schmidt does believe at some point you will see some type of regionalization. They can't make a County wide force as it is against State law; they would have to create a new law. They are working toward combining police forces. Ms. Sloan said so you have more bang for your buck. Mr. Schmidt said he hopes this never happens, but if we ever have a big murder here, we couldn't handle it. The Mayor said it is not cheap. Ms. Sloan stated who can come. It is opened to the public. Mr. Butkus said we all know what has happened before. One municipality goes in with another municipality for police and then we hear they only see a cop when they call 911. He knows this is a long way off. Mr. Schmidt said that is such an odd thought. He went on to say this is just like the ambulance. We are going to have to make a decision on this ambulance situation as well. Mr. Ed Oswald feels Mr. Butkus' point is kind of mute because he has not seen a cop on Thomas Place for five (5) or six (6) months. This is happening to us and we have our own police force. Mr. Schmidt said that South Heidelberg and

COMMITTEES (cont'd):

Spring Township has gone with the \$30.00 per household for ambulance. He has thought this through and there are pros and cons to each of these options. It would cost the Borough roughly \$48,000.00. He continued this would be probably a benefit to those 50 or 55 and older and could be a burden on those younger. Mr. Light said we will need to address this. We will need to do this for the budget. Mr. Butkus said that brings up another question, shouldn't we be setting up some budget meetings. Mrs. Shade said we have a slight problem. We wouldn't be getting the fire department's budget till the third week in October. She is concerned if there needs to be a tax increase for the fire that will have a direct effect on the tax increase for the Borough. Ms. Sloan said that Mr. John Muir of the fire company said we should have that information by late that week. Mrs. Shade stated she was told there will be no formal budget presented until their Board has approved their budget. Mr. Butkus said the fire tax is a separate tax. He thinks we can discuss this other information. Ms. Sloan questioned Mr. Fitzpatrick. She said that both her and Mr. Light are on the admin. committee as well as Jim Zerr. Mr. Zerr is head of admin but he is not being active. She requested Mr. Wenrich along with having Mrs. Shade ask Mr. Wenrich, that he appoints someone else so the three (3) of them can meet as Mrs. Shade needs that information. We are kind of stuck. Mr. Zerr is not active and Mr. Wenrich has not appointed anyone. We can't wait till November. Mr. Butkus questioned if they could meet without him. If there is no change going to be made then you just meet without him. Mr. Fitzpatrick said that the two (2) of them will need to sit down and go over this. Mr. Butkus said if we could have some dates for the next meeting. Mrs. Shade said that it has been sort of history here to invite the new members of Council to these meetings as well. It is their budget that we are creating. We have always asked for input from them. Mr. Oswald thanked Mrs. Shade and said he appreciated that as he does not want to get smacked in the face in January. Mr. Schmidt said as a new Council you do have the right to open the budget when you take office. It must be within thirty (30) days. Mr. Schmidt said it has been the precedence.

Mr. Butkus said we received a request from ADS for final payment. This predates Ms. Sloan. The Sewer Authority had a company come in and televise the system, find problems and then correct them. For various paperwork issues, ADS submitted an incorrect request for final payment. The corrections were sent back to them however they never resent a corrected bill. Since then the Authority was dissolved and a bill was now sent to us for payment. The amount is \$43,458.74. This should finish this out. Ms. Sloan asked is it a legitimate bill to which Mr. Butkus said yes. Mr. Schmidt made a motion to pay the bill; seconded by Mr. Butkus. Ms. Sloan asked if we could make this in two (2) payments to which Mr. Butkus said no. He feels it is appropriate to pay it all this year. Mr. Schmidt said when we dissolved the Authority we took over their debt, this is part of their debt so we owe it. AYES – 4, NAYS – 0; motion carried. Mr. Butkus wanted Mr. Fitzpatrick to send a letter along saying, receiving this payment means we are paid in full.

EXECUTIVE SESSION:

An executive session was held for litigation and personnel issues at 8:14 p.m.

RECONVENE:

Council reconvened at 8:40 p.m. Mr. Butkus made a motion to have Mr. Fitzpatrick review the personnel Ordinance and comment; seconded by Mr. Schmidt. AYES – 4, NAYS – 0; motion carried.

PUBLIC COMMENT:

Mr. Edward Oswald encouraged Council not to agree to the \$30.00 per household fee for the ambulance. Mr. Schmidt stated he was torn. Both South Heidelberg as well as Spring Township has agreed to it. Mr. Schmidt would have no problem voting no; however there is another side to this. By the age of our population, we would probably have the most use of it. He feels this is something we should consider. If we go as an individual you are paying around \$55; however if you go with the Borough it is \$30.00. Mr. Oswald questioned if they get paid by the insurance companies. Mr. Light said he used the ambulance a lot. Medicare pays so much of the bill; however he does get a bill for the remainder. Mr. Fitzpatrick said if you are a member you don't have to pay the rest to which Mr. Light said correct. Ms. Sloan asked Mr. Light if we paid the \$30 for him that would be well worth it and Mr. Light said yes. Mr. Oswald asked Mrs. Shade if this would be like some type of a millage increase to which she said yes. Mrs. Shade said that it would probably be added onto the fire tax. Mr. Butkus said this appears that we are pushing this down our resident's throats and I am not sure I like that to which Mr. Schmidt agreed with that also. Mr. Schmidt said that the total number of people joining the ambulance is declining. Mr. Schmidt feels this is something we need to discuss.

ADJOURNMENT:

Mr. Schmidt made a motion to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer