

The workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, September 24, 2008 at 7:07 p.m., at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

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

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

A moment of silence was held for our service people and for the slain Philadelphia Police Officer.

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Mr. Fahim Mukhtarzada of 808 Columbia Avenue in Sinking Spring was the only visitor that evening. Mr. Mukhtarada purchased three (3) sheep and has them in a fenced area on his property behind his home. Mr. Hart sent him a letter stating it was against Borough Code to house livestock in that area and gave him seven (7) days to rid his property of the sheep. He explained that they were from his native land; they are Calico sheep. Mr. Wenrich stated that we have no Ordinances that allow for any type of livestock. We have no designated farm areas. Mr. Hart said he did address Mr. Mukhtarzada's concerns however he wanted to address Council to see if they could possibly override Mr. Hart's decision. Mr. Fitzpatrick questioned where this is stated. Mr. Hart said it a Borough Ordinance and he explained where it was located. These are his only pets. He explained why he would like to keep them. Mr. Fitzpatrick stated that we have this Ordinance and Council has an obligation to enforce the Ordinance, but he continued that Council could choose to waive the right to enforce it. A brief discussion ensued. Mr. Wenrich explained we have rules and regulations that we must obey no matter how difficult it is. They are for the health and welfare of the entire Borough. Mr. Zerr made a motion to deny his request and have Mr. Hart enforce the notice as stated; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Mukhtarada questioned if he could have more time to find some place for them. He wanted a couple of months and then they will disappear. Mr. Zerr made a motion to allow an extra week to Mr. Mukhtarada; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. It was agreed upon to extend another week to Mr. Mukhtarada however if they are still there after October 3rd, Mr. Hart is to move ahead with the notice. He then asked what he could do with that land. He stated he can't use it for anything; he pays taxes on it and can't use it. He can't grow anything. Mr. Wenrich stated no one is saying he can't grow anything on the land. He continued in called and he was told he can't grow anything on there for a business. Mr. Zerr said that was correct. You can't grow anything for a business but for personal use was allowed. He again wanted

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to know what he can do with it. Mrs. Kutz questioned when he bought that property wasn't he told that this had been a field forever and that there is no water and sewer back there. Another brief discussion ensued. He again wanted to know what he can do with this land. Mr. Fitzpatrick stated that he should propose a certain use, present it to our zoning officer, Mr. Hart, and he will tell you if it is a permitted or not. Borough Council can't tell you what to do; you must it propose it to Mr. Hart. He had one (1) more question for Mr. Hart. He wanted to know if he could kill the sheep for his own use. Mr. Hart stated he did not know of any Ordinances against it. Mr. Fitzpatrick stated Mr. Hart should research it and get back to the gentleman.

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Mr. Wenrich stated he thought he saw an e-mail from PA American Water Company. A Mr. Brian Hassinger had sent a letter. Mr. Hart stated that Mr. Hassinger was aware of certain problems and he wanted to work with us to correct them. He wanted a meeting to sit down with Council to address the concerns. Mr. Hart stated he did meet with him when he came to this territory. This was about three (3) months ago. Mr. Hassinger questioned if Mr. Hart had any concerns, to which Mr. Hart stated he did. He said he wanted to know who owns the hydrants. He came back to us and said that the Borough owns them and he has put together a proposal for PA American to take ownership of them. Mr. Fitzpatrick stated we are paying a rental to them to which Mr. Hart said it could be a service fee. Mr. Hart said the way it works is we own them but pay a service charge to use them. Mr. Wenrich stated to keep Mr. Fitzpatrick abreast so we can keep moving forward.

Mr. Wenrich stated he had Mrs. Shade print out from the Municipal Code the Powers and Duties of Elected Officials. He read what they are starting on page 774. He hit the highlights. Mr. Wenrich wanted Council to read the balance of the information at their leisure. He continued to explain to Council that the past few weeks have been a trying time for Council whether they realized it or not. He stated that Council represents the Borough. He continued, with that said Council should use discretion in what they do and say to fellow Councilpeople and Borough employees in both the Borough Hall and at meetings. Threats of termination directly to employees are unacceptable. Open discussion from items in executive session with employees or anyone is unacceptable. Disrespect of fellow Council members at meetings and other functions is unacceptable. To authorize contractors to perform repairs without contacting the Borough Engineer and/or the Public Works Director is unacceptable. To authorize payments to said contractors (1) without Council approval, (2) without notifying the Public Works Director and/or the Engineer, and (3) the Secretary/Treasurer that has to issue the check is unacceptable. Councilpeople are not allowed to enter into the police department unaccompanied. If you must go into that area either a police officer or the Chief must be present. These issues could create a possible lawsuit involving the Borough or jeopardize a possible case. He continued that they are Council members' not direct managers. He continued that we have a Public Works Director; we have a Secretary/Treasurer to run our day to day operations. Not one (1) Council member should be telling these people what to do. They work for seven of us; not one (1) person runs the Borough. We don't have a Borough Manager. We have a Council. He stated again we have a PWD and a Secretary/Treasurer. If Council needs something from the office staff, they must see the Secretary/Treasurer. If you need something from the street crew, you go to the PWD. If it is an emergency you go to the Mayor. No

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one member can give a directive. All seven (7) was be contacted. If it is an emergency, like we have done it in the past; we can get hold of people by phone and get a clear answer. He stated to let the staff that Council appointed do their jobs. He wants to keep moving forward. Let the Borough operate by the powers and duties of the elected officials; not one (1) place does it say that Council or a committee are the Borough Manager. He continued that there were some issues on keys. He knows it was discussed at prior meetings but we did go back through the minutes and there had been some discussion on keys. Mr. Wenrich questioned Mr. Fitzpatrick on what the guidelines were for keys. Mr. Fitzpatrick stated he couldn't really say what happens in other municipalities; however typically administrative personnel would be the only ones with the master key. It would not typically involve Council. Mr. Fitzpatrick continued that Council delegates its day to day operations to its administrative personnel. Mr. Fitzpatrick stated that would be Mrs. Shade and Mr. Hart along with the Police Chief. Council establishes procedures and policy for them to follow. To implement the policy is the job of the administrators. They are the ones that need day to day access to these facilities. Typically Council would not have that. Mr. Wenrich stated we also received information from PIRMA (our liability carrier). They basically shot back to us what Mr. Fitzpatrick stated; Council's duties are to set policy only. They should not be doing any Borough business outside the confines of the Borough Chambers. Council's main job is to meet once a month and act upon the items that are placed on the agenda. Mr. Wenrich does not want a key. However if there is an emergency that would require entry into the Borough Hall either the PWD, the Borough Secretary/Treasurer, or the Police Chief will be there. He continued at least one (1) of them will be there perhaps all of them or at least on the way. He would like to put this issue behind us. He asked for each person's feelings on this. Mr. Schmidt stated the Council President sets the policies and he is in agreement with this policy. He said it was a very good rule. Mrs. Kutz said she agrees and sees no reason that anyone should be in the buildings when the main people are not here. Mr. Light stated the only reason he raised the question was nothing was explained to him about it. He continued the only thing that was stated in the minutes was designated people. Mr. Light agreed with Mr. Schmidt. Mr. Wenrich is President and he will follow whatever guidelines Mr. Wenrich puts forth. He continued that it was not clear who should have a key that is why he went to Mr. Wenrich. Mr. Wenrich stated he told Mr. Light he would research this. He consulted our Solicitor; and he checked around. Mr. Zerr was in agreement also. Mr. Wenrich stated if Council wants a key, they shall get a front door key that will give them access to the Council Chambers. He continued since it is his call no one on Council shall have a master key. In addition, Mr. Wenrich had Mrs. Shade hand out the memo that was from the police department. It is not a question of trust or disloyalty; it is a question of legality and ethics. No one should be back there without a police officer or the Chief. This goes hand in hand with what goes on in executive session must stay in executive session whether it affects a specific person or not. If this gets back then we have a possible slander suit or whatever. The PWD and the Secretary/Treasurer are here and they don't need a direct manager. We are not direct managers; we are Council. He feels he got his point across and this is the last time it will be discussed. Mr. Zerr questioned what happens if the Mayor calls one (1) of the Councilmen back to his office; what happens then. Chief Oxenreider stated that would probably be allowed as long as there would be a police officer back there. Chief Oxenreider wondered why they just wouldn't meet in the Council Chambers. Mr. Wenrich agreed. Mr. Wenrich stated this goes back to the same way with the census information and other sensitive information that should not be seen or shared. He continued this is Mrs. Shade and Mr. Hart's

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livelihood. To have this secure information leak out, someone will be called on the carpet about that. He does not want to see any of our employees jeopardized that way through Council. If they lay something out on their own then they shall pay the price. Let these people do their jobs and please respect their positions as well as your fellow Councilmen.

Mr. Schmidt stated we are a member of Westside Emergency Management Agency. We meet quarterly he stated. They have set up the Reverse 911 and those types of things. In addition, to discussing those types of things it is also a forum where each municipality can discuss concerns it has on any number of emergency type situations. One (1) of the things that has been of concern to each of the municipalities here of late has been the Western Berks Ambulance. Mr. Schmidt stated there is going to be a meeting on September 30th at the Spring Township Fire Department. They are trying to get each municipality to pay \$30 a family. Sinking Spring last year donated \$6,500.00. If we went to the \$30 per household contribution like they want us to, it would be \$48,120.00. Wyomissing gave \$10,000.00 last year; now they want \$133,200.00. Spring Township does it a bit different. They give \$10,000 in fuel and \$25,000 in allocated fuel discount. Their distribution would go to \$314,520.00. West Reading was not on the list as they allowed them to house their equipment at their facility. However Mrs. Shade did receive a phone call from Mr. George Tindall, Borough Manager of West Reading, inquiring how much they are exactly looking for. He feels West Reading will be in the same area of about what we shall be paying. Mr. Wenrich questioned if that means each household will not have to pay their enrollment fee. Mr. Schmidt stated personally, he will vote no to this. He feels his household should send in their own contribution. Mrs. Kutz stated this is coming up soon. Mr. Schmidt stated the general consensus of the other municipalities is that this is not going to fly. The reason he stated this is that other municipalities have paid nothing last year. He feels we should attend this meeting but that is a lot of money. Everyone agreed. Mr. Zerr stated our fire department can't charge for coming to fight a fire. Mr. Zerr stated Robesonia did not contribute as they donated the land that their station sits on. Mr. Schmidt stated that was not listed in the booklet he received and if they did do that, it was not mentioned. Mr. Schmidt and the Mayor plan on attending. Mr. Zerr stated they do not participate with the major insurance companies because they know they won't accept what the insurance company is willing to pay. Mr. Zerr agrees with Mr. Schmidt he does not feel the \$48,000.00 is a good number. He might be willing to go to \$10,000.00 but that is enough. That is just his opinion. Mrs. Shade reminded Council that a few years ago, Council agreed to pay \$30,000.00 to them so that all households in the Borough did not have to pay their contribution. Mrs. Shade stated that did not work out exactly as was planned. She explained the plight of one (1) of the Borough residents and that it actually cost him more than it would have if he just paid his contribution. A discussion ensued. The Reverse 911 is almost up and running. There will be info in the upcoming newsletter.

Mr. Wenrich received a phone call last week from Mr. Brian Clemens, who is putting together the fire task force. He explained why the letter requesting the \$1,500.00 was sent. He continued to explain that everyone that is on this task force is a volunteer and no municipalities have spent any money up to this point. He explained Redners' Markets have donated the services of Mr. Jason Hopp, their attorney along with Reinsel who donated services as well. The gentleman's name is Mike McManey. He explained exactly what the committee and the volunteer consultants did. There will be a meeting on October 21st at 7:00 p.m. at the Green Valley School. They wanted to present not only the financial reports but also the bylaws which would explain

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everything. This would explain how their interests are preserved. It would be like an inter-municipal agreement. How we will pay will be based on our assessed value of our Borough. This will be a two (2) step policy. There was a meeting with all Solicitors. Attorney Mike Mixell will put together the bylaws. There will be an inaugural board which will consist of a representative of each of the fire companies; there will be a fire commissioner or manager which will run things and the rest of the representatives will be an elected or appointed official of the Council or Supervisors, and a resident of each of the municipalities. This board will operate for three (3) years. After that the Board will go to nine (9) members. That person could be an elected or appointed person or it could be a resident. The point is, we shall always have a seat on the Board. They will have it all spelled out and that is what the \$1,500 will give us. Mr. Wenrich stated he wanted it all written down and that is exactly what this will give us. This will cost \$6,000. Dividing it up among the four (4) municipalities will cost each \$1,500.00. He would like us to reconsider paying the \$1,500.00. They would like to have this up and running by the first quarter of next year. Mr. Zerr stated we had a vote and the vote stays. Mr. Light questioned when did we have the vote? We had a vote the month before stated Mr. Schmidt. The vote in opposition to that stemmed from the idea that we were going to have more information before we spent any money said Mr. Schmidt. He continued the presentation we had that evening would have gone a long way if it had been presented before they asked for any money. That is Mr. Schmidt's personal opinion. He was under the impression the study would be done and then there would be a coming back to Council with the advantages and disadvantages of the merging. Instead of that we get a letter requesting \$1,500.00. It appeared that when we got the letter, that we had no say in the matter, this was getting pushed down our throats. Mr. Clemens stated he was relying on the municipality representatives to bring this information back to Council. There were Borough representatives as well as fire company representatives. He was under the impression that those people were informing Council of what was going on. In addition, in the letter he put if anyone had any concerns to call his personal cell phone and he did not receive one (1) phone call from anyone. Mr. Wenrich stated that Mr. Clemens said this bill will need to get paid one (1) way or another. That made Mr. Wenrich feel that this merger was going through no matter what. Mr. Wenrich stated when this was brought forth in the very beginning it was stated that there was going to be a study done to see the feasible of this. Mr. Wenrich stated a study does not mean that bylaws are being created. It doesn't have social quarters and relief associations being eliminated. He continued it should have shown why this would work and make a recommendation to move forward with this. Mr. Wenrich stated if you think we are giving it to you without our game plan put in, you are wrong. We would like to hear more doesn't mean we are 100% committed with our fire department. A brief discussion ensued. Mr. Zerr stated to this date this Council has not received any information on the feasibility of that study. As far as he knows the only information he received was the meeting on October 21st. This task force and everyone associated with it have it outlined as to what is going to happen in the first quarter of next year, Mr. Zerr said. He does not think this is fair. Mr. Zerr questioned what if Sinking Spring's cut in this is more than we currently have budgeted. Why should they go into this, Mr. Zerr questioned? Why should we enter into this if we can do it for less and still have a sound fire department? Mr. Clemens stated the job of your representatives on the Board were to bring each municipality back information they would need. A discussion ensued. Mr. Wenrich stated whether this was intended to happen this way or not, it did rub some people the wrong way. We took a vote at Council and the majority felt we should not give the \$1,500.00 at this time. Ms. Sloan, who was not at the meeting, encouraged everyone to attend the meeting on the 21st of October. Mrs. Kutz

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questioned why our Fire Chief was not pushing them for a decision. Mr. Zerr stated they did at the last meeting. Mr. Wenrich stated no matter what happens that are definitely interested in hearing what they have to say on October 21st. Mr. Schmidt stated he is not against regionalization. He believes this will be happening more and more over the next several years. He feels he is open minded on this. Mr. Wenrich and Mr. Zerr also believe they are open minded to their concerns as well. He thanked Council.

Mr. Zerr stated over the last few months with the revitalization project a lot of items about the Historical Society has come into being. Mr. Zerr was unaware of this problem. The Borough is a co sponsor of the Historical Society or the Save Our Station. In the past, the Borough has done "in kind" services for the society. We have provided the backhoe to do work back there. Throughout the last several weeks, it came to light the Society's membership is dwindling and the age of the members is rising as well. They are having a hard time meeting some of their obligations. They are wondering if they could tap into the Borough. Mr. Zerr did discuss this with Mr. Hart. Mr. Zerr asked them exactly what they are looking for. Mr. Zerr stated that most of the list we could do "in kind." We can put this in the Public Works budget. It would be like plowing snow. Mr. Zerr stated we could probably do that however it would be at the bottom of the list. It would be after all the other roads were cleaned up. They need to have the property mowed, those types of things. Mr. Hart stated it wouldn't be that big of a deal. Mr. Wenrich had no problem with that either. He would like Mr. Hart to go back and look at what they would like to have done. Mr. Zerr made a motion to build into the Public Work's budget a portion of work to be done at the Historical Society; seconded by Mrs. Kutz. Mr. Schmidt would like to know an estimated cost before we put something in the budget. Mr. Zerr rescinded the motion till an amount can be determined. Mrs. Kutz was in agreement.

It was brought to Mr. Wenrich's attention earlier this week that we have a problem up on Mt. Home Road and in the absence of Mr. Butkus, he asked Mr. Schlott to explain. Mr. Schlott stated the problem that has occurred is that the Mt. Home Road pump station or sewer project is almost complete. He explained the two (2) phases. Some settlement has occurred on the first phase which was completed two (2) years ago and it is out of warranty. There was a settlement issue when the project was first completed and Kuser, who was the contractor, did make a repair. Miller Environmental did televise the lines and found that the one (1) manhole section about 20 to 30 feet down from the manhole at the credit union is sagging. The sag was such that Miller was afraid to put the camera all the way through. Mr. Wenrich questioned if this was an active flowing line to which Mr. Schlott stated it was not. There are nine (9) properties that are to connect. Another issue with Phase II was with the pump station however they were resolved that day with some of the controls. It appears since this was repaired before, there might be something going on down there. Mr. Wenrich questioned if there was a cost for these repairs. Mr. Schlott stated that it was on the shoulder of the road however it is a State road so an HOP (Highway Occupancy Permit) would be required. Mr. Schlott did inquire about how to get an emergency permit for that work. Another thing that was found was that another manhole was leaking. They did talk to the contractor and he will repair that free of charge. However if they are in the right of way to do the manhole repair work, it is right next to where the sagging occurred. The estimated cost was given as a not to

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exceed cost of \$12,820.00. Mr. Schlott did contact Kuser to see exactly what is involved in coming up with that number. He indicated all that must be done. This could be a one (1) day job or worst case scenario it could take three (3) days. Mr. Schlott could not say what actually will be found. Mr. Wenrich stated the railroad sinkhole is starting to reappear. Mr. Schlott has been in contact with PENNDOT on how to obtain an emergency HOP. The Borough must apply for a "card". With that card there are 25 emergency permits they can apply for. He explained how to apply for an emergency permit. Mr. Wenrich questioned with the disbandment of the Authority and apparently their lack of funds, how this works and where we stand. Mrs. Shade stated Council each received a copy of the letter from Ms. White, Secretary of the Authority, explaining what they need and why. Mr. Wenrich questioned if the line is sagging and if no one is attached to the system it really isn't an emergency. Mr. Fitzpatrick stated that the engineers are ready to certify that it is an emergency to which Mr. Schlott said they were. Mr. Wenrich stated with the lack of funds this bill will come back on the Borough. Mr. Fitzpatrick stated according to the letter the Authority currently has \$3,642.79. That will not be enough. In addition, they will not have any source of funding between now and when the bill would become due. Mr. Wenrich questioned if we should authorize this project. Mr. Fitzpatrick stated that the Authority engineer is saying that this is an emergency and needs to be done. Someone needs to do it. Mr. Schmidt questioned what grounds ARRO feels this is an emergency. Mr. Zerr agreed, he stated it is a non-hooked up line and not in use. Mr. Schlott stated the reason is because there is sag. Mr. Zerr questioned why we can't do this in a month. Mr. Schlott stated if that is what Council wants, that can be done. Mr. Schlott stated since there is a subsidence there and it happened before, we don't really know what is going on down there and what might be occurring. Mr. Schmidt stated what does calling this an emergency do for us? Mr. Schlott stated if this is an emergency it precludes the bidding process. Mr. Zerr stated if we bid this someone might be able to do it cheaper than the \$13,000.00. Mr. Schlott said that the \$13,000.00 is the not to exceed number. If we bid it we shall pay for the preparing of the bids and those types of things. Mr. Zerr stated so we really don't know what we shall find once it is dug up. Mr. Schlott stated that was true. Mr. Zerr said then the \$13,000.00 could change into \$100,000.00. Mr. Schmidt stated that it couldn't as it was a not to exceed amount. Mr. Wenrich stated the most it will cost us is the \$13,000.00. A discussion ensued as to what they might need to fill up the hole and the cost of those materials. Mr. Schmidt stated does the not to exceed number include all the possibilities that they mind find down there, like the three tractor trailer load of stone. Mr. Schlott read what the estimate stated. Mr. Schmidt questioned what happens if there is a sinkhole. Will that be outside the \$13,000.00? Mr. Schlott will need to get clarification on that. Mr. Schlott feels that was taken care of in the \$13,000.00 however he will get clarification. Mr. Wenrich apologized to Mr. Schlott for putting him on the spot. He continued this is why what was said earlier was said. He realized someone earlier in the week had called him and told him to start obtaining an emergency HOP without this discussion or at least talking with our engineer or PWD. Mr. Wenrich feels that was overstepping their bounds and again, stated shame on that person for doing that. A discussion ensued as to whether we should put this out to bid or not. Mr. Schmidt made a motion to take the Kuser bid at a not to exceed amount of \$12,820.00 which includes all the repairs and repair the sinkhole and that we shall not accept the bid unless it includes the entire process; seconded by Mr. Light. AYES – 4, NAYS – 1 (Mr. Zerr), ABSENT – 2; motion carried. Mr. Wenrich asked if we are any further along in getting things transferred over to Council from the Authority. Mr. Fitzpatrick stated we still need to pay off the debt. The day before Mr. Fitzpatrick met with Mr. Mike Setley who is the bond counsel for the

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original loan the Authority took out. He would be able to do the work for the refinancing of that. What is complicating this issue is if we borrow money to pay off the Authority debt, we shall need to go through the procedure to get DCED approval. We would have administrative costs, legal fees, bank charges. If we separately borrowed for the plant, we would have to go through this again. There was some thought about perhaps combining the two (2) and only paying these fees once. This is not easy because there is the PA program for providing grants for sewer, water, damns, etc. Our project perhaps would have a good chance of being funded as we are a regionalized plant because we take sewage from Spring Township, Lower and South Heidelberg Townships. We may be able to get some grant money. They are considering everything however they do not know how to proceed as the regulations have not been established yet. They won't be developed till November or December. They know that the borrowing for the Authority is not a problem. Where we run into the problem is if we combine these two (2) loans. He has spoken to Mr. Setley along with Mr. Schlott and he is recommending incurring those expenses twice just to keep our hopes alive in getting that grant. He wants a definitive amount for the expansion which Mr. Schlott is working on. Mr. Wenrich stated with decisions like what they just worked on it makes everyone a "lame duck." "Who should do this...should we do this...no, the Authority should do that..." was the quote Mr. Wenrich gave. Mr. Fitzpatrick again stated the Authority is still in operation until the debt is paid off. Mr. Zerr stated if this issue came before the Authority and they are not allowed to incur debt, now does it come back to Council. Mr. Fitzpatrick stated yes. We are going to have to pay all the bills as long as they are valid true bills. Mr. Wenrich is just trying to cut down on the red tape. Mr. Wenrich feels Mr. Fitzpatrick hit it right there on the head. This should be separate. Mr. Schmidt stated both of them would be paid by the rate payers. He continued it would not show up as a debt by the Borough. Mr. Fitzpatrick stated it is a "self liquidating debt" paid out of the sewer revenue account. This does not count toward our debt limit. Mr. Schmidt questioned what the debt amount is. Mr. Fitzpatrick stated he believed it was around \$600,000.00. Mr. Schlott agreed. Mr. Schmidt questioned in these times will we be able to get that money. Mr. Fitzpatrick stated he believes there should be no problem as this money is currently outstanding to them by an Authority. Now, a Borough will borrow it which has more security then an Authority. He has very little doubt that we can't borrow the money. Mr. Light said the article that was in the newspaper on the prior Monday in regards to Spring Township stated, to fix our plant under them it would cost \$2,000,000 or less as opposed to the \$4,000,000.00 it would have cost us. He questioned how can they come up with these figures if we haven't sat down and talked with them as of yet. The other question is we have to pay the debt off, how can we move ahead with sitting down with them? He stated Spring has applied for a grant already. Mr. Schlott stated he believes they are looking at applying for the same grants we are looking at. A brief discussion ensued. Mr. Wenrich feels we should look at getting rid of the debt first. That would make it possible for the Borough to move forward with exactly how the sewer plant will run. Mr. Schmidt made a motion to authorize Mr. Fitzpatrick to move ahead with getting the financing only for taking over the debt; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Wenrich would like to move forward with the disbandment of the Authority and start moving forward with the Borough running the sewer plant. Mr. Schmidt stated now that we authorized the funding only for assuming the debt, what is the next step after the financing is secured. Mr. Fitzpatrick said the Articles of Disillusionment need to then be filed in Harrisburg. Mr. Schmidt asked what the time frame of that will be. Mr. Fitzpatrick was not exactly sure but about thirty (30) days after financing is paid off. Once the State dissolves it, then he believes that is it. He is not exactly sure of the timing. He has not dissolved an Authority

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so the timetable is hard for him. Mr. Schmidt stated say we secure the financing how long till Council can make the decision instead of going back and forth between the Authority and Council. Mr. Fitzpatrick stated not until we hear from Harrisburg that they are dissolved. Mr. Wenrich was hoping by the first of the year. Mr. Wenrich questioned where we are in the forensic audit. Mr. Fitzpatrick stated they are due in by October 1st. He did receive one (1). Mr. Wenrich stated he understands that Mrs. Shade received a phone call from Mr. Kuser who would like to receive payment for his bill. It is \$19,294.26. The Authority received a payment request on September 9, 2008. The motion was made at the September 9, 2008 Authority meeting to pay the bill based on the inspection of the lines. The Authority basically does not have the money to pay Mr. Kuser. Mr. Schmidt made the motion to have the Borough pay the Kuser bill in the amount of \$19,294.26; seconded by Mr. Light. Mr. Zerr questioned if the inspection was done on the line. The inspection was done and a letter was generated. Mrs. Shade stated at Mr. Butkus' seat was an envelope that Mr. Kuser dropped off the Thursday prior and stated he was to have a meeting with Mr. George Butkus and was to give him this letter. Mr. Butkus did not show up for the meeting and so Mr. Kuser left the envelope with the office staff. When Ms. White returned to work on Monday morning she wondered where we stood on the paying of the Kuser bill. Since the envelope was never picked up, Ms. White opened it and the letter was in there. Mr. Schlott has a copy of the letter. ARRO did make a recommendation that the bill be paid. This is for the Phase II, Mt. Home Road Sanitary Sewer Project. Mr. Schlott explained what the inspection was about and that all concerns were addressed and the bill can be paid. Mr. Wenrich questioned when the year warranty begins. Mr. Schlott stated it starts at the date of substantial completion which already has begun. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mayor Noecker stated that Halloween will be observed Friday, October 31st from 6 p.m. to 9 p.m. There is a curfew of 9:00 p.m. with the exception of Friday and Saturday nights which is 11:00 p.m. It is only one (1) night of trick or treating.

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.

The regular scheduled Council meeting for Thursday, October 2nd has been changed to Wednesday, October 15, 2008. There will be only one (1) Council meeting and no workshop. The Official Map Hearing will begin at 6:30 p.m. here at the Borough Hall on the 15th as well.

The next item was the time extensions. Mr. Eisenbrown stated we had received a time extension request for the Hull Street Development. The Planning Commission took a recommendation to accept the extension until January 15, 2009. Mr. Schmidt made a motion to accept the time extension for the Hull Street Development; seconded by Mrs. Kutz. AYES – 4, NAYS -1 (Mr. Zerr), ABSENT – 2; motion carried. The second time extension was for Hofmann Industries. The Planning Commission took a recommendation to accept their time extension till January 12, 2009. Mr. Schmidt made a motion to accept the time extension for Hofmann Industries; seconded by Mr. Light. AYES – 4, NAYS – 1 (Mr. Zerr), ABSENT – 2; motion carried.

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Mr. Eisenbrown stated at the last meeting Mr. Hart and he were authorized to follow up with the developer for Wagner Farms Phase IV or Hillpoint Circle. The maintenance period is up however there is one (1) portion of the sidewalk that has an issue. The correction was made. Mr. Eisenbrown questioned Mr. Schlott if there were any outstanding sewer issue to which Mr. Schlott stated no. They will draft a letter authorizing the release of the maintenance bond. Mr. Wenrich would like to wait until the meeting on the 15th of October just to make sure everyone is on the same page and nothing else is outstanding.

Mr. Eisenbrown stated he received an e-mail from Mr. Fitzpatrick stating that Brookfield Manor's Letters of Credit will be renewed. Mr. Fitzpatrick stated that was true. He received an e-mail from Mr. Elliott that stating they will be in full force by the 27th of September. However the letter of credits expire on the 26th. It appears everything will be okay. But he would like Council to authorize Mr. Eisenbrown and himself to make sure the letter of credit is issued in the correct amount; the amount that satisfies the engineer because there are certain items that are not completed as of yet. In addition, we should authorize a draw on the letter of credit by administrative personnel of the Borough (Mrs. Shade, Mr. Hart) in the event that Mr. Eisenbrown or he is not able to obtain a continuation or renewal of the letter of credit by the 26th of September. He believes it will happen. Mr. Zerr made the above motion; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT -2; motion carried. A brief discussion ensued about the letters of credit. The contractor (Schlouch) has moved back in and appears to be moving ahead.

The last item is the Terrace plan which is located behind the Dairy Queen. There are many legal issues that need to be addressed. He will send a list to Mr. Fitzpatrick with all of them. The developer is proposing 36 apartment units, an upper and a lower and they will not be sprinklered. They will be a footprint of the Grande School Apartments. Mr. Hart came up with the idea of connecting Summit down to Wynnwood. Mr. Eisenbrown explained how it would be laid out on their plan. It could be an issue getting a large vehicle up there. The looping would give it a lot of benefit. They presented the idea to the developer and they believe the response was positive. He was not thrilled with it originally but it appears he was in favor of it at the end. This would be a public road taken over by the Borough. We have not heard from the fire marshal however he believes there will be some concerns. Mr. Wenrich would like to see what his sketch comes back like before we do anything. A discussion ensued as to how fire trucks could get down and where they can place units if a turnaround was put in. Mr. Zerr questioned about a light. Mr. Eisenbrown stated it was not discussed however it was in the letter. Mr. Zerr stated if we extend Summit with all the church traffic a light is needed. Mr. Wenrich said it is in its infancy; let them come back with their proposal. Mr. Zerr feels if we can get some of the questions answered now, that would be better. Mr. Eisenbrown asked Council if they would object to another accepted street in the area. Mr. Eisenbrown will address a letter to Mr. Fitzpatrick about some of his concerns which will include Mr. Zerr's concerns. There was discussion about putting him some type of large equipment turnaround at the end of one (1) of these private driveways. Mr. Zerr still does have concerns. A brief discussion ensued. Mr. Zerr stated if we can't get something done up there he highly recommends that the buildings be sprinklered. Mr. Fitzpatrick questioned what our code says about that. Mr. Hart stated for a building that size, it does not have to be. Mr. Eisenbrown questioned Mr. Schmidt if Grecian Terrace was sprinklered to which Mr. Schmidt stated it was. Mr. Eisenbrown said that those apartments are three (3) stories that is why. New rules will be coming out for the

BUSINESS (cont'd):

2009 code however we can't predict if those changes will have any impact on these plans. Mr. Eisenbrown stated when he asked Mr. Grande if they will be sprinklered, their answer was no. Mr. Eisenbrown went on to tell him that this decision will be weighed heavily by our fire marshal, and the safety committee as well as Council.

The next item is the Scranton Altoona Terminals plan. The only thing with that is the plans need to be signed, Mr. Hart stated. Mr. Eisenbrown stated that they were voted on and it was complete. Mr. Zerr questioned if all the answers were addressed to which the answer was yes. Mr. Wenrich reminded Council to sign the plans before they left that evening.

Mr. Wenrich reminded Council again that the task force meeting is 7:00 p.m. at Green Valley School on October 21st. Mrs. Shade requested that you please let her know if you are able to attend as they have requested RSVPs.

Mr. Fitzpatrick stated at the last meeting there were some comments about the South Heidelberg agreement. He continued Council was to send their comments to Mr. Fitzpatrick for his review. However at this time he heard from no one with the exception of Mr. Schmidt who would like to see the contract become effective 01/01/09 as opposed to 01/01/08. He continued he received nothing in writing from the members who had comments on the agreements. He wanted to remind Council to please get him their comments. Mr. Schmidt stated he talked with Mr. Schlott about that too and he was wondering if it was a feasible item. Mr. Fitzpatrick stated we have an agreement that is in place right now...we have to agree to it. Mr. Zerr stated at this time the only thing we are talking about is the date.

The other item was the advertising of the Alcon property. He would like Council to review the advertising. Mrs. Shade will make copies and see that Council receives it in their box.

Mr. Zerr questioned exactly what Mr. Fitzpatrick wanted in regards to the comments on the South Heidelberg agreement. Mr. Zerr stated the two (2) members of Council that had comments were not at the meeting that evening however they had some issue and he is looking for their or anyone else's written comments and or changes. He continued with their absence this will need to be discussed at the October 15th meeting. This will probably need to be an executive session. Mr. Mooney will be at that meeting as opposed to Mr. Fitzpatrick, who will be another meeting. A brief discussion ensued. Mr. Fitzpatrick will be attending the official map hearing at 6:30 though.

Mrs. Shade stated she received an e-mail that day from Mr. Jay Vaughan of Spring Township trying to set up the proposed meeting. She did receive an e-mail from Mr. Schlott giving the dates he is available. Mr. Wenrich told Mrs. Shade to set up the meeting. The sewer committee will attend along with Mr. Schlott. Mr. Wenrich told Mr. Schmidt to make sure he is at that meeting. Mr. Wenrich wants that meeting to happen as soon as possible.

PUBLIC COMMENT:

No public comment.

ADJOURNMENT:

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Regina M. Shade, Borough Secretary/Treasurer