

The monthly workshop meeting of the Borough Council of the Borough of Sinking Spring was opened on Wednesday, September 27, 2006 at 7:00 p.m., at the Sinking Spring Borough Hall, by President George Butkus. After the Pledge to the Flag, Regina M. Shade called the roll reflecting the following Council Members present:

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

Other officials present were: Clarence Noecker, Mayor; Charles Fitzpatrick, Borough Solicitor; Mr. Robert Ludgate, Jr. Engineer; Regina Shade, Borough Secretary Treasurer; who recorded the minutes of the proceedings.

**BUSINESS:**

The first item on the agenda was the update on the search for a Public Works Director. Mr. Butkus stated that he, Mrs. Kutz, and Mr. Zerr met with four of the five candidates that Gage had narrowed it down to. He stated that the fifth candidate had already accepted a position with someone else and withdrew himself from the running. He stated that in executive session later this evening they will make their recommendation to the rest of Council as to who they feel the rest of Council should meet with. Mr. Butkus explained that they had broken it up because there were five candidates and they felt it would be too hard to schedule all of Council and the candidates. He mentioned that depending on the scheduling for the last round interviews that we should be able to have an appointment no later than October 15, 2006. He also added that, in his opinion, we have a very good candidate pulled for this position and that several of the candidates would be excellent choices. Mr. Light asked when the other Council members are going to meet with these candidates. Mr. Butkus stated that it will be discussed later in executive session.

The next item was the carpeting in the Library. Mr. Wenrich stated that it came up in the Library meeting this month that the carpet in the Library is a lower grade carpet than the rest of the building. He stated that when the installation occurred the Library opted for a less quality product and it is showing. He mentioned that the carpet is soiled and stained and that they have had it professionally cleaned and it does not come out. He stated that the Library wants to know if it is possible to do something with the carpet in the 2007 budget. He mentioned that they did get one estimate for a little of \$17,000.00 which would include removing the old carpet, prepping the floor, laying of the new carpet which is of an industrial grade. Brief discussion ensued.

Mr. Wenrich also mentioned the sign that they have been working on diligently. He thanked Mrs. Shade for all of the work she has done on it. Mr. Wenrich stated that final approval has gone back to the Friends of the Library and we are waiting for them to say yes or no. He stated that we will make our decision depending on how their decision comes back.

**BUSINESS(cont'd):**

Mr. Butkus asked Mr. Leiby if he and his committee would look into the carpet issue. Mr. Leiby asked where they had gotten the bid from. Mr. Wenrich stated that he did not recall at this time. Mr. Leiby made the suggestion that they go with the carpet squares that can be changed if they become stained. Mr. Butkus asked that the Building Committee look into it and at least make a reasonable step ahead and get some realistic quotes and budget for it. He stated that it would probably be better to do it in late spring as opposed to winter. He stated that one of the considerations was to have a moving truck to store the books and shelves in so everything was out of the Library so they could do it as one piece.

The next item was the possible merger with Spring Township and the media coverage. Mr. Butkus stated that we did get a letter from Spring Township today. He asked Mrs. Shade to read the letter (Copy attached). Mr. Butkus mentioned that the media coverage started the day after the Spring Township Board of Supervisors Meeting. He also mentioned that he was called by a reporter that same night around 10:00 p.m. and told the reporter that he has no problem with the study, but he understands that just looking at the economics of it will not always reflect all of reality. He stated that anybody can make it cheaper but do you get the same quality of services. Mr. Biggs asked what the tax rate comparisons are and whose would apply. Mr. Schmidt asked if he could speak on this subject. Mr. Schmidt stated that this is not anything to do with a merger in such; he stated that it is a study to find out the feasibility of all the different aspects of it. He mentioned that all of Council has gotten a letter from the County Community Development Office asking them to look at the potential of moving together. He stated that he wants to know whether or not we are running this office the best way we can and this study will bring that out. He also stated that the study would bring out the feasibility, the pros and the cons of merging. He mentioned that it is interesting to know that the report of the proposed merger of Spring Township and the West Lawn Borough the first time they did it recommended no merger and it wasn't discussed again until West Lawn Borough had raised their taxes twice and then it became feasible. He stated that in the meantime both of the municipalities instituted some changes that were recommended by the Pennsylvania Economy League. Mr. Schmidt stated that he thinks it would be to our advantage to at least go through the study. He also mentioned that doing the study does not mean a merger and that the study will take at least two years to accomplish. He stated that the paper has run with this as a merger and it is just a vote to institute a feasibility study. Mr. Light asked if all of the Council members could have copies of report on Spring Township and West Lawn so that they could study it. Mrs. Shade stated that there is only one copy and if Council wants to come in and look at it they are welcome. Mr. Butkus stated that he is not looking for a vote this evening and that he just wanted to make Council aware of what had transpired, and now that we have received the letter to give Council and the public a chance to really look at it.

Mr. Wenrich stated that his question would be that once the study is done is it binding for a referendum. Mr. Butkus stated that it is not binding and that it just gives us the information for fact. Mr. Fitzpatrick agreed that it is not binding that you do anything with it. A brief discussion ensued.

**BUSINESS(cont'd):**

Mr. Fitzpatrick asked if the study goes beyond cost. Mr. Ludgate stated that it also looks at services and police coverage. Mrs. Shade stated that that there is a whole thing that she read because she was interested in the accounting version of it and it takes apart how you do your book keeping and every aspect of it. Mr. Fitzpatrick stated that the one thing that he was thinking about is the form of government that any merger possibly would take place. He stated that it is not unrealistic to think that the Borough form of government is a better form of government. He stated that in the Borough you have seven representatives and a mayor and the Board of Supervisors of a second class Township has a maximum of five representatives. Mr. Fitzpatrick also pointed out that, as he understood it, in the West Lawn, Spring Township merger, there was a provision for a representative from West Lawn. He mentioned that there isn't anything in the second class township code that permits wards where specific representatives from a specific district could be elected. He stated that unless you provide for it in a merger, which he isn't sure is legal because if it doesn't provide for it in a second class township code is it permissible. He stated that the Borough Code provides for wards. Mr. Ludgate mentioned that there have been a couple times in Pennsylvania where a Township and Borough merged and it was the Borough form of government that was retained. Mr. Schmidt stated that is something that would have to be discussed if we even decide to go further with this and we are not at that point. A brief discussion ensued.

Mr. Weaver asked about the sewer expansion that the Authority is looking at and where that would lie. Mr. Butkus stated that it would be discussed in part of the study and if it is not it would definitely have to be something that is looked at because it is a great asset for us. Mr. Ludgate stated that it is an asset that you don't own really and that the Authority owns it and it is a little different when you have direct ownership and control. Mr. Butkus asked if he is correct in understanding that Spring Township no long has an Authority. Mr. Ludgate stated that is correct and that they operate their system as the Board of Supervisors.

Mr. Light stated that because of all the articles that came out in the last week or so he just wanted to let the residents know that we are not in any process at this time of doing any action. He stated that everything now is strictly what Mr. Schmidt had brought out that we will look at it and study it but there is not talk of a merger. Mr. Ludgate stated that Council only asked about two sharing specific items which were the yard waste recycling area and the fuel and Spring in turn brought up the idea of a study.

Mr. Butkus stated that he would like Council to be prepared to make a decision whether or not we should go ahead with the study at next weeks Council meeting.

Discussion ensued concerning the new papers.

Mr. Butkus stated that the next item is a reminder for the public that fall cleanup is Wednesday, October 25<sup>th</sup>.

**BUSINESS(cont'd):**

A flu vaccine clinic is set up for Wednesday, October 25<sup>th</sup> from 2 p.m. to 6 p.m. The clinic is currently a go, however if a shortage of vaccines happens the clinic might be canceled.

The next item was budget workshops. Mr. Butkus stated that we need to set up some dates for workshops solely set aside for budget purposes. He also urged all committees to begin meeting about what needs to be done next year and what they would like to see done next year and get some realistic planning done ahead of time. He also urged the Chairpersons to work with any of the other appointed boards that are in related topics and the Borough staff that deal with these things on a daily basis because they know more about, equipment wise, what may need fixing or repair. Mr. Butkus asked if Council had any specific time frames that they would like to shoot for for any workshops set for the budget. He also reminded Council that next months Workshop was canceled due to the Halloween Parade in Spring Township. Mr. Butkus asked that everyone bring their calendars to next weeks Council meeting knowing when they can meet so we can schedule these budget meetings and let the public know.

The next item was the permits for required curbing repairs. Mr. Butkus mentioned that a gentleman, who is doing curb repairs for several of the residents on Ashley Road and Miller Drive, had stopped by the Borough Hall. He mentioned that letters had gone out to the residents of those streets letting them know that portions of the curbs and gutters needed to be replaced prior to the Borough repairing the streets which will hopefully happen next year or the following year. He stated that the gentleman wanted to know if he had to pull a permit and if Council would consider waiving the fee since the Borough is mandating the repairs. Mr. Ludgate stated that the inspections are simple enough and he would imagine any of the road crew would be able to conduct the inspection because you just have to verify that they have it down deep enough that they have a stone sub base and that the concrete they are pouring is at least 3,000 PSI. He stated that it is not a terribly involved inspection but that your fee offsets the cost of inspections. Mr. Schmidt asked what we have done in the past. Mr. Ludgate stated that we made them pay for the permit. Mr. Schmidt stated that he thinks that we would be setting a bad president by not charging a fee. A brief discussion ensued.

Mr. Harding mentioned that when Penn Avenue was done people were supposed to replace their curbs and they haven't been done yet. Mr. Wenrich stated that is an enforcement issue. Mr. Ludgate mentioned that Penn Avenue is a state road so it is a little different because it is not the Borough's right-of-way. Mr. Butkus stated that unless he hears a motion to waive the fees it will stand as they were approved by Council earlier this year in the fee schedule. Mr. Ludgate stated that it is on the master fee schedule.

The next item was an update on the bridge clean out. Mr. Butkus stated that on August 30, 2006 he called Penn DOT because they said they were going to do it in August and it had not been done yet. He stated that their response was that they got backed up because of some other projects and that they would be getting to it in September. He stated that he called them again because it is the end of September and it still is not done. He stated that this time when he called he spoke with

**BUSINESS(cont'd):**

another gentleman because the one he spoke to before had been transferred. Mr. Butkus stated that he was told that the permits were pulled from DEP but that we were bumped down on the priority list because there were some bridges in the county that had been damaged during the flooding and they were the priority and they did not know if they would get to it this year. Mr. Butkus stated that he was given another number for a gentleman that handles the priority list. He stated that he called that gentleman and explained our concerns to him and he stated that he did not understand why Mr. Butkus was told it would not get done because even if the crews are busy the permit was pulled early because it needed to get done. He stated that this gentleman was supposed to be checking with the County supervisor who controls the staff and has not yet gotten back to us. He stated that if he does not hear from him tomorrow he is going to start calling every elected official he can. Mr. Wenrich asked Mr. Fitzpatrick where we would stand to put them on notice that if we do have a flooding issue that they will be held accountable for their lack of maintenance. Mr. Fitzpatrick stated that he would recommend that Council send them a letter explaining that it is a dangerous condition waiting to happen in the event of flooding. Mr. Wenrich made a motion that Mr. Fitzpatrick send a letter to that effect to Penn DOT and who ever else he has to stating that we have been more than patient and that we feel that it is their responsibility; seconded by Mr. Light. Mr. Ludgate stated that the only thing he would recommend is that what we can state unequivocally is that the flooding has been worsened on Park Avenue because that bridge has not been maintained. Mr. Butkus added that because it has not been cleaned out it may also contribute to future damage to the bridge. Mr. Wenrich also mentioned that if he is not mistaken the pipeline runs under there and he would be more worried about that getting damaged. Mayor Noecker asked Mr. Leiby about how deep it is. Mr. Leiby stated that it is hard to say since it has been accumulating. He stated that we are actually aside of it but Buckeye is dead in the middle of it underneath coming down from Macungie. Mr. Butkus stated that he has a motion and a second to have Mr. Ludgate and Mr. Fitzpatrick coordinate on getting a letter off strongly urging that every thing be done that can be done to get this cleaned out as quickly as possible. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Ludgate recommended that if they get back to Mr. Butkus that he let him and Mr. Fitzpatrick know so that they don't send the letter. Mr. Butkus stated that he would. Mr. Butkus also mentioned that when he spoke to one of the gentlemen he was told that they clean out fifty feet on either side of the bridge. Mr. Ludgate stated that it should be sufficient but there may be more that fifty feet down stream that should be cleaned out. Mr. Wenrich stated that we have to come up with a maintenance checklist for that. Mr. Butkus stated that once it is cleaned out we plan ahead for next year and maybe put time in there to work on it.

Mr. Butkus stated that the next item is the quote Zwicky had given us that he had mentioned at the last meeting for cleaning up the yard waste site from the tree branches. He stated that Mr. David Zwicky had called yesterday because they were going to be working at Spring Township and wanted to know if we wanted them to bring it down to our site on Friday. Mr. Butkus stated and after polling enough Council to get a majority vote we decided to go ahead with it. He stated that the quote was for \$3,750.00 for the first day and then \$3,400.00 for each additional day and we are saving on the mobilization because they are going to be at Spring Township anyway. He stated that he

**BUSINESS(cont'd):**

would just like, for formality sake, a motion and approval from Council that we do go ahead with that since they haven't started yet. Mr. Leiby made the motion; seconded by Mrs. Kutz to have Zwicky proceed with the quote they gave us. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Schmidt asked if this is the first time we are having this done. Mr. Butkus stated that this is the first time that we are having Zwicky do it. He mentioned that once before our street crew borrowed the chipped from COG and did it but after we were done with it we had to replace the blades because it was not designed to do that type of work. Mr. Schmidt mentioned that Zwicky started at Spring Township today and there pile was five times the size of ours and Zwicky got half of it done already so it will probably only take them half a day at our site. Mr. Light mentioned that he did not get the letter and asked Mr. Butkus if he could have one. Mrs. Shade stated that copies were put in all of the mail boxes. Mr. Light stated that he did not know a vote was taken. Mr. Butkus stated that we had gotten four yes votes pretty quickly which is a majority. Mr. Light stated he still would like to have been told about this since he is part of Council.

Mr. Schmidt mentioned that they are going to have a Sewer Committee Budget meeting on Monday morning at 10:00 am and this will be discussed and figured into the budget.

Mr. Shade mentioned that Mr. Schlessman was here this evening to discuss his trash problems. Mr. Schlessman stated that he has a commercial property and he is having problems with the trash men not picking up his trash. He stated that he spoke to them and they told him that they are only required to pick up residential trash. Mr. Schlessman stated that he pays a commercial rate because of his business. He stated that last week they took them away and now this week they didn't again. He stated that he stopped them and asked them about it and they told him that the Borough told them that they didn't have to take anything that isn't residential. Mr. Schlessman explained that the plastic in the barrels are old plastic tanks from cars that are all sawed up into pieces which are perfectly acceptable to go to a land fill. Mrs. Shade stated that she has been on the phone many times with Mr. Schlessman and Lebanon Farms trying to be the mediator. She stated that Lebanon Farms stated that in their contract it states that they can only put out 30 gallon containers and Mr. Schlessman has 50 gallon containers. She mentioned that inside the 50 gallon containers he says there aren't sharp pieces but the girl from Lebanon Farms said that they can't take that chance because of their insurance. Mrs. Shade stated that we had the same problem with another business on Columbia Avenue that put out 50 gallon containers and they had to get a dumpster. She stated that Lebanon Farms is bound by the contract which states 30 gallon containers and Mr. Schlessman's containers are too large for them to wrap their arms around to pick up. Brief discussion ensued. Mr. Wenrich stated that his suggestion is that Mr. Schlessman put the 30 gallon containers out and if they don't take them then let the Borough know. Mr. Fitzpatrick stated that we can't control how the driver acts but if he refuses to collect it we will find out why from the company and we will determine if it is with in the bounds of the contract and if they have the right to deny it in the bounds of the contract then we don't have a choice, but if they don't have the right to reject it in the bounds of the contract then we will insist that they collect it. Mr. Schlessman stated that he will try using the smaller cans and see if they take it.

**ROBERT LUDGATE JR:****Traditions:**

Mr. Ludgate stated that he handed out a copy of a memo. He mentioned that at last nights Planning Commission meeting the Traditions Development folks were there with their attorney Mr. Maras. He stated that the memo was prepared for both the Planning Commission and Council and just tells you the history of where we started off. At last nights meeting the Planning Commission passed a recommendation that the amendment be forwarded to Council for consideration for advertising for a hearing. He stated that starting on page two of the memo there are actually suggested language changes and if you read through there are a couple of corrections. He stated that they asked that the heights for shrubs be changed, we had it listed as six feet and they are requesting it be reduced to four feet. He stated that Mr. Maras also wanted a sentence added to number ten, that if the traffic study is performed and any necessary improvements are to be installed by the developer at their sole expense subject to any necessary permits being obtainable by the developer. He also mentioned that Mr. Maras intends to contact Mr. Fitzpatrick concerning number twelve to talk about language concerning how the Borough would be assured that this would remain an age restricted development. He stated that what Mr. Maras did tell them was that they would deed restrict it in the deeds of the property and the property could only be used as an age restricted development and that there will be those covenants in the home owners association agreement which has to be submitted per this amendment to Borough Council and Borough Solicitor for his approval. He stated that Traditions wanted to buy this property in two tracts, one tract they want to keep Traditions and build an independent living facility that they would own and the other tract they propose age restricted townhouses that they would actually sell that development to someone else. They said that the contract between them selves and who ever they sell to will remind the people that it is subject to a deed restriction and it will be subject to these home owner association restrictions. He stated that beyond that, what he explained to Mr. Maras is that the Solicitor is looking for some language that would institute some kind of penalty if all that failed to happen. He stated that Traditions agreed at the Planning Commission meeting that they would make all of the changes requested in this memo to the language of the amendment that they put forth and Mr. Maras is supposed to contact Mr. Fitzpatrick to find out what kind of language he is looking for as far as a penalty clause. Mr. Ludgate stated that based upon the insertion of that by the developer the Planning Commissions recommendation is that the amendment could be forwarded to Borough Council for consideration for advertising.

Mr. Butkus suggested that before Council gives Mr. Fitzpatrick the go ahead to advertise it he gets Council a copy of the adjusted wording. Mr. Fitzpatrick stated that we don't want to have to police the ages and that Traditions would have to have some type of reporting requirement on an annual bases to report to the Borough the ages of the people that are there. Mr. Ludgate stated that he did explain that to Mr. Maras and believes he understood. Mr. Wenrich stated that he noticed that it is a gated community and asked if this will be a private area. Mr. Ludgate stated that the developer is not seeking to dedicate roads to the Borough, they will be privately owned and maintained. He stated that at this point they have not made a final decision as to whether or not they will have a gate but they will more then likely will be gated roadways. Mr. Wenrich stated that he saw it in one of the

**ROBERT LUDGATE JR(cont'd):**

notes that there will be a guard station or mechanical entrance gate. Mr. Ludgate stated that is something that this amendment says they have the right to do. Mr. Wenrich asked if they gave any idea as to the number of units. Mr. Ludgate stated that in the independent living facility it will be 130 unit with the potential for an additional 20 if they would ever expand it in the future and there would be 80 townhouses. A brief discussion ensued.

**REGINA SHADE:**

Costars Letter:

Mrs. Shade read a letter that we received from Costars regarding Sodium Chloride contract information for 2006-2007. Mr. Butkus recommended that we hold off giving them the updated information until after we hire the new Director of Public Works.

**BARBARA KUTZ:**

Mrs. Kutz mentioned that Mrs. Shade brought it to her attention that we might be due for a new copy machine. She asked if Mrs. Shade could pursue checking into getting a new copier. She stated that in looking at the budget there is \$5,000.00 budgeted for new equipment which we have not spent for this year.

**MAYOR NOECKER:**

Mayor Noecker mentioned that the new part time police officer was sworn in yesterday morning and is now under instruction from the Chief.

**EXECUTIVE SESSION:**

Council went into executive session at 8:25 p.m. to discuss the first round of interviewing for the Director of Public Works position.

**RECONVENED:**

Council reconvened at 8:35 p.m. No action was taken.

Mr. Butkus stated that the three finalists will be met with sometime next week so hopefully by our regular meeting next week we will have a decision and offer it to them so that the third or fourth week of October they can start and still give their current employer two weeks notice.

**BRUCE LIGHT:**

Mr. Light stated that he is sorry to say that we will not have a Candidates Night because he can't seem to find a date to will work for all of them. He stated that he is disappointed that we couldn't get these candidates here to speak to our residents. He stated that he hopes in the future that Council has the fore sight to have these people come talk to the residents. He did mention that he is still working on it and if he can get it pulled off before the election he will still try to have it but at this point he doesn't know if it will be.

**GEORGE BUTKUS:**

Mr. Butkus again urged the committees to get together and really start looking at what is needed and being more proactive in presenting Council with the information. He also asked that the committees function more efficiently especially as we are going into budget season and there will be a lot of number crunching to go on in addition to every thing else that has to happen.

**ADJOURNMENT:**

Mr. Wenrich made a motion to adjourn at 8:45 p.m.

Respectfully submitted,

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Regina M. Shade  
Borough Secretary/Treasurer