

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Monday, January 6, 2014 at 7:00 p.m. at the Sinking Spring Borough Hall by President James Pachuillo. After the Pledge to the Flag, Elizabeth White called the roll reflecting the following Council Members present:

James Pachuillo  
TJ Huckleberry  
George Butkus  
Denise Stine  
Lisa Gantner  
Tracy Peterson  
Brian Hoffa

Other officials present were: Mayor Gary Cirulli, Charles Haws, Borough Solicitor; Robert Ludgate Sr., Ludgate Engineering; David Schlott Jr., ARRO Consulting; Michael Hart, Public Works Director; Police Chief Lee Schweyer, Regina Shade, Interim Borough Manager and Elizabeth White who recorded the minutes of the proceeding.

Mr. Pachuillo requested a moment of silence to honor those who serve us on a daily basis at home and abroad in the Armed Forces and our first responders. Mr. George Butkus also mentioned that Mr. Schlott's mother passed away and asked everyone to keep their family in their thoughts.

#### **APPROVAL OF MINUTES:**

Mr. Pachuillo asked for a motion to approve the minutes from the December 5, 2013 and December 17, 2013 meetings. Mrs. Stine made the motion to approve the minutes; seconded by Mrs. Gantner. AYES – 7, NAYS – 0; motion carried.

#### **VISITORS/PUBLIC COMMENT:**

Mr. Metzgar stated that they had a Rec. Board meeting this morning and they were just wondering if the Rec. Board will be affected with two of its members now serving on Council. Mr. Pachuillo stated that they can still serve on the Rec. Board.

#### **COMMUNICATIONS:**

There were no communications.

#### **APPROVAL OF THE BILLS:**

Mr. Pachuillo asked for a motion to approve the bills for December 2013. Mr. Huckleberry made a motion to pay the bills; seconded by Mr. Butkus. AYES – 7, NAYS – 0. Motion carried.

**TAX ORDINANCE:**

Mr. Pachuillo explained that they had the Tax Ordinance in front of them and that it was duly enacted on December 17, 2013 by a vote of 3-2. He mentioned that on December 23, 2013 Mayor Butkus vetoed the Tax Ordinance. He then asked for a motion to override Mayor Butkus's veto of the Tax Ordinance. Mr. Huckleberry made a motion to override the veto; seconded by Mrs. Stine. Mr. Pachuillo asked for a roll call vote and stated that we need at least a 5-2 vote for the override. Mr. Hoffa asked what the procedure is if it does not pass. Mr. Pachuillo stated that they would have to discuss a different millage which would have to be advertised and then voted on after seven days. AYES – 3, NAYS – 4 (Mr. Butkus, Mrs. Gantner, Mrs. Peterson and Mr. Hoffa). Motion did not pass.

Mr. Haws stated that the new Council has until a date in February to reopen the Budget if that is something that they wanted to do, and as part of that, if they change the Budget they can change tax millage to tie to the amended Budget. He stated that if Council is happy with the Budget and the issue is that the millage was .75 mils greater than needed to balance the budget (which was to create a surplus to put into a Capital Fund) then they could authorize advertisement of a new Tax Ordinance at a different millage. Mayor Cirulli asked if the new Council was aware of why they did what they did. Mr. Pachuillo gave a quick background of why they proposed the 1.25 mil tax increase. Discussion ensued concerning a lower increase and the Capital Improvement Fund. Mr. Pachuillo suggested a 1 mil increase splitting it 50/50 (.50 to General Fund and .50 to Capital Improvement Fund). Mr. Huckleberry made a motion to advertise the Tax Ordinance with a 1 mil increase with .5 going to the General Fund and .5 going to a Capital Improvement Fund; seconded by Mr. Hoffa. AYES – 7, NAYS – 0. Motion carried. Mr. Haws asked if Council wanted it advertised for a Special Meeting or for the Workshop Meeting. It was decided to advertise for the Workshop Meeting.

Mr. Ludgate stated that he wanted to congratulate Council for taking a really close look at this and stated that he and Mrs. Shade had met with the Mr. Petrizio from the County Controllers office some time ago and they discussed what they could do to improve the Borough's financial situation. He stated that planning ahead is the first step.

**WESTERN BERKS FIRE DEPARTMENT:**

Mr. Weidner gave the Fire Report. He stated that we ended 2013 with 744 calls with 122 being in the Borough of Sinking Spring.

Mr. Pachuillo stated that they needed to appoint a Council Representative to the West Side Emergency Management Agency. He mentioned that Mrs. Stine had done it in the past. Mrs. Shade mentioned that they meet the third Wednesday of every quarter. Mr. Pachuillo asked for a motion to re-appoint Mrs. Stine as the Council rep for the WSEMA. Mrs. Shade also mentioned that they should appoint a sub. Mr. Butkus stated that he could do it if no one else wanted it. Mr. Huckleberry made the motion to appoint Mrs. Stine to the WSEMA with Mr. Butkus as the sub; seconded by Mrs. Gantner. AYES – 7, NAYS – 0. Motion carried.

**REVITALIZATION PROJECT:**

Mr. Coleman stated that there is a very good annual report in everyone's binders that describes what they are doing. He asked if anyone had any questions. Mr. Hoffa asked if there was any interest in the building where Food Lion was. Mr. Coleman stated that they have not heard of anything. Mr. Cirulli asked if they are in a lock for the lease. Mr. Ludgate stated that the owner is being paid the rent even though there is no business in there. Mr. Hart mentioned that there are two new businesses moving into the complex.

Mr. Ludgate mentioned that we are in the final cut for grant money from DCED to the tune of \$250,000.00 which will be added to enhance the PennDOT projects that are coming along. He stated that Traffic Enhancement Project in the Western part of the Borough is in line to get \$75,000.00 and an additional \$175,000.00 can be added to the Route 422 Betterment Project.

**UNFINISHED BUSINESS:**

Mr. Pachuillo stated that they had to ratify the hiring of Ivan Rodriguez at \$14.00 an hour at the Sewer Plant. Mr. Butkus made the motion to hire Ivan Rodriguez at \$14.00; seconded by Mrs. Stine. AYES – 7, NAYS – 0. Motion carried.

Mr. Pachuillo stated that we needed to amend the agreement with the Wilson School District to include collection of the Borough's Per Capita Tax. Mr. Butkus made a motion to authorize amending the agreement with the Wilson School District to include the collection of the Borough's Per Capita Tax; seconded by Mr. Hoffa. AYES – 7, NAYS – 0. Motion carried.

**EXECUTIVE SESSION:**

Council went into an executive session at 8:05 pm for possible litigation issues.

**RECONVENE:**

Council reconvened at 8:25 pm. No action was taken.

**PUBLIC WORKS DIRECTOR – MICHAEL HART:**

Mr. Hart mentioned that he prepared his yearend reports for Code Enforcement activity and for the Building Permits that were issued which includes the total about received in fees and the total amount paid out to Kraft for commercial inspection fees. He stated that Code Enforcement is becoming more and more and that we are having a lot of building problems. He mentioned that the one apartment building had black mold on all four walls that went four feet up the wall and people were living in it. He stated that we have some serious issues with rental properties and hopefully with what we are doing it will all get addressed.

**PUBLIC WORKS DIRECTOR – MICHAEL HART: (Cont.)**

Mr. Hart mentioned that the transition at the Sewer Plant went very well and that it is in our hands now. He stated that they are making a lot of changes to make it right for the Borough. He mentioned that they hauled out 8,000 gallons of liquid sludge last week because they were full and they are going to try to get another 16,000 gallons out this week. He also mentioned that they are working on getting prices to clean out some reed beds to give us room once we get through winter.

**SEWER ENGINEER – ARRO CONSULTING – DAVID SCHLOTT JR.:**

Mr. Schlott stated that the report is in everyone's binders. He mentioned that the existing NPDES permit expired on December 31, 2013 and had been administratively extended until the new one is complete. He stated that the Application was received on time and is undergoing technical Review by PaDEP with a target date of April 29, 2014.

Mr. Schlott mentioned that they are working with Alcon and Aluminum Alloys with some pretreatment issues to get the issues resolved.

Mr. Schlott also mentioned that a Planning Module Mailer was submitted for Cacoosing Crossing North which is in Lower Heidelberg Township and consists of 55 single family lots. He stated that it is under review.

**COUNCIL MEMBER - GEORGE BUTKUS:**

Mr. Butkus mentioned that he stopped out at the Sewer Plant and met Mr. Zohner. He stated that he was very impressed with him and believes he will run the plant well. He encouraged everyone to make arrangements to visit the plant and have a tour.

**INTERIM BOROUGH MANAGER – REGINA SHADE:**

Mrs. Shade congratulated all of the new Council members and encouraged them to call or visit and ask any questions they may have.

**PRESIDENT – JIM PACHUILO:**

Mr. Pachuiilo stated that he will be contacting everyone and working on the Committees.

Mrs. Shade asked all of the new Council Members to stop in and see Mrs. Bohn to fill out W4's for payroll purposes. She also asked them to get her their contact information.

**MAYOR - GARY CIRULLI:**

Mr. Cirulli welcomed all of the new Council Members and thanked Mr. Hart and his Street Department and the Police Department for doing a good job during the storm.

**POLICE CHIEF – LEE SCHWEYER:**

Chief Schweyer mentioned that last month a hit and run vehicle damaged two of our pedestrian crossing signs that we put up on Sunday mornings on Penn Avenue for Church. He was looking for Councils thoughts on how to proceed. He mentioned that the replacement cost is \$300.00 per sign. Mr. Pachuiilo stated that we can think about it and maybe the church would want to donate to the Police Department. Mr. Huckleberry suggested getting estimates to see if there are any other options.

Chief Schweyer mentioned that he received a letter from Mrs. Todt at 44 Elwyn Avenue requesting a handicapped space in front of her house. He stated that he conferred with Mr. Hart and there are no other handicapped spaces on that block and there is plenty of room. Mr. Butkus made a motion to authorize installation of the handicapped sign, when weather is appropriate; seconded by Mr. Huckleberry. AYES – 7, NAYS – 0. Motion carried.

Chief Schweyer mentioned that the towed seven vehicles off Penn Avenue during the last Snow Emergency. Mayor Cirulli suggested that when we have a Snow Emergency we include in the wording that vehicles will be towed at the owner’s expense and also to put it in the newsletter so people will know.

Chief Schweyer mentioned that the holidays were relatively quiet during the holidays except for a major Domestic incident in the zero hundred block of Shillington Road on New Year’s Day.

**TREASURER’S REPORT:**

General Account

Opening Balance – November 30, 2013	\$186,593.19
PLGIT	9,120.45
Invest	
Recreation	40,198.55
General	64,311.59
McDonald’s Escrow	4,005.21
Fleetwood Bank Acct.	4,246.15
Deposits as of December 31, 2013	171,312.89
Checks Written	116,671.24
Payroll	90,467.83
Payroll W-2 fees – auto debit	282.95
PENNVEST auto debit	2,785.50
To be Paid	<u>63,363.11</u>
Balance as of January 6, 2014	\$206,217.40

**TREASURER'S REPORT: (Cont.)****Sewer Account**

Opening Balance – November 30, 2013	\$ 1,026,592.95
PLGIT	61,443.28
Invest	322,809.75
Deposits as of December 31, 2013	119,296.94
Checks Written	46,602.95
Re-ordered checks – auto debit	394.30
Returned ACH	53.50
PENNVEST auto debit	15,243.07
To be Paid	<u>17,933.50</u>
Balance as of January 6, 2014	\$ 1,449,915.60

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

**ADJOURNMENT:**

Mr. Butkus made a motion to adjourn the meeting at 8:47 p.m.

Respectfully submitted,



Elizabeth A. White  
Assistant Secretary