

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was opened on Thursday, October 5, 2006 at 7:30 p.m., at the Sinking Spring Borough Hall, by President George Butkus. After the Pledge to the Flag, Elizabeth White called the roll reflecting the following Council Members present:

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

Other officials present were: Mayor Clarence Noecker; Charles Fitzpatrick, Borough Solicitor; Elizabeth White; Administrative Assistant; who recorded the minutes of the proceedings.

Others present were: Robert Ludgate, Sr., Ludgate Engineering

APPROVAL OF MEETING MINUTES:

Mr. Butkus asked for a motion to approve the meeting minutes from September 7, 2006. Mr. Light made a motion to approve the minutes; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT - 2; motion carried.

VISITORS:

Mr. Donald Troutman addressed Council. He was there on behalf of the single homeowners in the Borough. Most of them are annoyed with the trash tax. He distributed a letter to Council. Mr. Troutman did some checking with Spring Township. He said Council doubled his tax rate this year. He said that a house with six (6) people pay the same amount as a house with one (1) person living in it. If you are a single person living in Spring Township you pay \$75, a married couple pays \$145 and then three (3) and above it is \$210.00. The \$210.00 does include children. He hopes that Council will consider this for next year.

The next person to address Council was Mr. Robert Hetting of Brookfield Manor. Adjacent to his property is the lower entrance. Mr. Hetting was questioning when that entrance will be open. He explained his concerns both personally and for the children of the community. Mr. Fitzpatrick was not aware of anything in any agreement that would keep this entrance closed. Mr. Butkus tabled this issue until Mr. Ludgate arrives.

COMMUNICATIONS:

Mr. Butkus wanted Council to look at a letter that they have in their packets from the Wilson School District. They want to have a sit down meeting with a variety of municipalities so they can plan for the future. Council is encouraged to attend.

MILLER ENVIRONMENTAL REPORT:

Mr. Roger Hillibush of Miller Environmental was unable to attend this evening due to the time he was spending at the sinkhole on Maria and Diane. Mr. Butkus explained about the sinkhole. The filling of the sinkhole is going well. He stated it looks like this sinkhole will be something we will need to invest a great deal of money in. Mr. Butkus stated that Council has a copy of his report. He stated on page two (2) item number five (5), the raw sewage pump was removed and taken back to the facility. Two (2) of the three (3) pumps are backing to running at almost 100%. The flows for the last month: Sinking Spring – 73.3%, Lower Heidelberg – 18.0%, and South Heidelberg – 8.7%. The Sinking Spring percentage does contain an unmetered portion of Spring Township.

APPROVAL OF BILLS:

Mr. Light moved to approve the bills; seconded by Mrs. Kutz. AYES – 4, NAYS – 0, ABSTENTION – 1 (Mr. Butkus), ABSENT – 2; Motion carried.

SEWER:

Mr. Butkus informed Council about the grit removal building. There is a dumpster located next to it. About a week or two ago, Mr. Hillibush was walking along the roof of this building and his foot went through. ARRO Consulting has given us some prices in replacing the joists. The price came from Kuser. Mr. Butkus explained what the procedure would be to fix the problem. The cost comes in at \$6,662.00. We need to get phone quotes. Mr. Leiby made a motion to have Mr. Schlott go out and get two (2) other quotes; seconded by Mrs. Kutz. Motion carried.

BOROUGH ENGINEER - ROBERT LUDGATE, JR.:

Mr. Butkus questioned if there was any reason that the second entrance at Brookfield Manor cannot be opened. Mr. Ludgate stated it is their road; they can open it when they like. Mr. Ludgate stated he does not believe that it is mentioned anywhere on the plans when it can be or can't be opened. Mr. Ludgate believes Ryan Homes chose to close it so they had only one (1) construction entrance. A brief discussion ensued. Mr. Butkus asked Mr. Ludgate if he would send a letter to them requesting that entrance be opened. Mr. Ludgate said he would have no problem doing that however he stated before we do that we should make sure that Mr. Fitzpatrick has no issue with this. Mr. Leiby stated if they open the entrance the residents might have construction vehicles going by their property. Mr. Leiby stated if he was on a dead end street, he would let it go till the project was complete. Mr. Ludgate agreed with Mr. Leiby as he has seen construction vehicles come down Reedy Road as opposed to Cacoosing which is the way they are to enter the development. Mr. Hetting feels that the workers are use to using the upper entrance and does not feel that should be an issue. Mr. Ludgate stated that if Mr. Hetting goes to Ryan Homes and wants to have a conversation with either himself or Mr. Peter Eisenbrown that would be fine. Mr. Ludgate stated that they did not direct them to keep it closed.

The next item pertained to the sinkhole on Maria and Diane. E. Kuser has been working on it to a depth of over twenty (20) feet. The throat was never found and they never hit the "bedrock interface." Mr. Ludgate told them to build another flowable rock filter plug. We used that last year and it held up. Where it opened up this year was at another location. This can happen. They built

BOROUGH ENGINEER - ROBERT LUDGATE, JR.(cont'd):

another plug at a depth of twenty one (21) feet. Kuser was also asked to replace about 2 ½ lengths of gravity sewer line. Mr. Hillibush and Mr. Schlott felt that the main has sagged for so long that the pipe has a memory and it won't spring back. Mr. Ludgate was out at the site that day and Kuser found heavy water filled clay soil under the pipes. He instructed them to excavate to a depth of about four (4) to five (5) feet and build another plug so that we would not put another pipe in and see it sag again. Kuser also discovered that the corrugated stormsewer pipe had separated again at two (2) pipe joints. One (1) was repaired with an external sealing device. Kuser suggested that we ask the drilling, compaction, and grouting contractor to take a look at the sinkhole. Mr. Kuser was familiar with a gentleman, Mike Hillis, of Hillis Carnes Engineering Associates of Fredrick, MD. Mr. Hillis came up and met with Mr. Ludgate, Mr. Leiby, Mr. Butkus, and Mr. Kuser. He explained his company's history. They did a lot of work at the Broadcasting Square Shopping Center. They asked Mr. Hillis to give them an estimated cost on this. He has done that, it is expensive. In addition, they spoke to Mr. Hillis about the worth of doing a geophysical survey of the area. Mr. Ludgate stated this would give us an idea if we are looking as a sinkhole or a sinkhole on top of a cavern. Mr. Leiby feels that we might have that type of problem. Mr. Hillis feels if we did get a good geophysical survey, it would help him focus on a specific target. It could reduce the cost of his services. He did speak to Felicia Bechtel, a professional geologist, from Envrioscan. They were used at the Kirkwood Avenue sinkhole and the Mt. Home Road project. Mr. Kuser was happy with their work. He asked her for a proposal. She called Mr. Ludgate back and gave the proposal to him over the phone. He stated he not only wanted to look at the sinkhole in the street where it occurred, but in the front of the hole as well. Mr. Ludgate told Council where he feels we should be looking. He also informed Council that some smaller sinkholes have opened up in people's yards. It is a 60,000 sq. foot area. Mr. Ludgate overestimated and stated he thought it might be 80,000 sq. foot so her proposal is based on the 80,000 not the 60,000 sq. feet. Mr. Ludgate gave Council a review of everything (including maps) they would receive. Envrioscan can be on site within the next week or two (2) weeks at the most. They will be able to deliver the report including maps by October 27th. Mr. Hillis stated they could probably get to us by the second week of November. The cost of Hillis would be over \$200,000.00. Mr. Ludgate recommended that we authorize Envrioscan to move ahead with a cost not to exceed \$16,000.00, so we can get a picture of what we are dealing with before we go any further. Mr. Ludgate explained why Envrioscan would be a benefit. He feels since the proposal is based on 80,000 sq. foot, there should be some type of reduction since it is not as big as he originally thought. He does feel it is a benefit. Mr. Fitzpatrick asked Mr. Ludgate if there was any evidence that the sinkhole existed before we took dedication. Mr. Ludgate stated yes, that is why we had Mr. Grande give us \$10,000 in escrow. At that point in time, it was just a small sinkhole against the curb line. It was aside of lot 110. When the final walk through was completed, they requested Grande fix the hole and leave some money in escrow for this; however at that time we did not realize the magnitude of this problem. Mr. Leiby stated that Mr. Grande has stepped up to the plate and did repairs on these holes in the past even after the Borough took dedication of those roads. Mr. Zerr questioned if Grande will be giving us any help this time. Mr. Ludgate stated Mario from Grande did stop by however there was no offer of help. They did offer help with trucking if needed. Mr. Biggs stated in his opinion sinkholes don't shrink. In the future when we know a sinkhole exists can't we get residual money from the developer, Mr. Biggs asked of Mr. Fitzpatrick? Mr. Ludgate stated the \$10,000 that we kept in escrow has not been spent yet, we are still holding it. Mr. Biggs asked how much money Hillis would charge us. Mr. Ludgate stated it was \$200,000.00. Mr. Ludgate explained what he would do for that amount of money. Mr. Biggs stated that Grande is "out of the gate" and now the Borough must pay for this.

BOROUGH ENGINEER - ROBERT LUDGATE, JR.(cont'd):

Mr. Biggs was wondering if there was anything we could do to make these developers pay more. A discussion ensued. Mr. Biggs stated that we have professionals like Ludgate, why weren't these issues addressed before. Mr. Butkus stated that the \$200,000 ball park figure was done without the benefit of the geophysical report. Mr. Butkus explained how it will work. Mr. Fitzpatrick stated it is possible to hold the developer responsible for that. The only problem is that the amount of money that they are required to leave in there. At the time if we assumed it would be a \$10,000 repair, we could not take twenty (20) times that amount. Mr. Biggs stated maybe we should explore it, when a sinkhole does open up. Mr. Ludgate stated the geophysical report will cut down on Mr. Hillis' work. If we don't have the survey, Mr. Hillis will need to drill every so many feet making it more costly. If we give him a picture where the void is, we can cut down the drilling therefore lowering his cost. Mr. Ludgate stated that there were no known karts topographic features on that site; we read that in the file. Mr. Biggs wanted to know how we knew that without drilling. Mr. Butkus stated that to this geologist's knowledge nothing was placed on major record. Now, after discussions it might not be true. A discussion ensued on the best way to handle this. Mr. Butkus was in favor of using Enviroscan. Mr. Zerr made a motion to move ahead with the survey by Enviroscan not to exceed \$16,000.00; seconded by Mr. Leiby. Mr. Butkus called for a roll call vote. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

REPORTS OF COMMITTEES AND OFFICES:**DENNIS LEIBY – PROPERTY AND MAINTENANCE:**

Mr. Leiby reported the road crew is helping out at the sinkhole. Mr. Butkus stated that we have started leaf collection earlier this year as leaves have begun to drop.

BRUCE LIGHT – RECREATION:

No report

BARBARA KUTZ - ADMINISTRATION & FINANCE :

No report

JAMES ZERR - PUBLIC SAFETY:

Mr. Zerr stated that at the last month's meeting someone requested if we could come up with some type of modified police and fire report. The public safety committee met and Chief Ulrich has already begun creating a new report; however the fire department's meeting is a month away. The citizens will receive a report. Chief Ulrich stated the information is placed on the police department website as well. These numbers are given to the State Police.

Council has also received a copy of the fire report. There were six (6) actual working fires this past month. They are busy with training.

Chief Ulrich has requested that the two (2) NO PARKING signs across from Troy's Deli be removed as there is no sight problem anymore. This will give create three (3) additional parking

JAMES ZERR - PUBLIC SAFETY(cont'd):

spaces. Mr. Butkus stated this can't be done tonight as all new parking areas must be created by ordinance. Chief Ulrich feels there is no ordinance pertaining to those signs as he could not find one (1) in the book. Mr. Fitzpatrick stated we could pass the motion but recognizing it by ordinance at some point in the future. However, it is not a case of enforcement as we are not enforcing the no parking so there would be no problem in passing it that evening, Mr. Fitzpatrick said. We can formally enact it when we have others. Mr. Zerr made a motion to take down the two (2) NO PARKING signs; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2, motion carried. Mr. Butkus asked Mr. Fitzpatrick and Chief Ulrich to get together and see if we have ordinances for these types of things. The Mayor stated something like this was done not too long ago. Chief Ulrich stated this pertained to stop signs.

During the month of September the Chief attended some seminars along with other police officers.

Officer Christian Yanak was sworn in and began training as a part time police officer.

Mr. Zerr made a motion to rehire John Sheperak as a part time police officer at a rate of \$14.84 per hour pending the background check; seconded by Mr. Light. Chief Ulrich stated he worked here about a year ago and he currently works for Hamburg. Mr. Butkus requested a roll call vote. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

If everything falls into place construction on the traffic light at Boscov's should begin around December 4th. We are looking at about two (2) days of down time at the light. In the safety committee meeting, it was discussed using police officers, and fire police to direct traffic as well as the road crew. Mr. Zerr had some concerns as the road crew could still be picking up leaves or maybe dealing with snowfall. The Chief stated we are down two (2) police officers so that will be a problem. The fire police are a hit and miss type thing too. They are thinking about a company that has flaggers. This will be an additional cost. We don't know what the cost would be. They will be there for two (2) workdays. We will have traffic lights at night. Mr. Zerr made a motion to have Mr. Ludgate talk to Telco to get us a price for flaggers at that site; seconded by Mr. Leiby. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The last item was the library sign. The sign has been ordered. The price is about \$5,700.00. The bill will come to the Friends of the Library. The Borough was asked to make a donation. Mr. Butkus explained where the sign will be placed. Mr. Light made the motion to donate \$3,500.00 to the Friends of the Library for the sign; seconded by Mr. Leiby. This will be internally illuminated. Mr. Butkus asked for a roll call vote. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. Zerr and his committee will be meeting in the very near future for budget purposes.

MAYOR NOECKER:

No report

BOROUGH ENGINEER - ROBERT LUDGATE, JR.:

Mr. Ludgate stated we received a letter from Hofmann Industries regarding a proposed subdivision. Mr. Eisenbrown has a concern that the parking lot is being cut off from the main track. The track that they are creating would have the new parking lot. The new parking lot is not in Sinking Spring. What was suggested was that someone from McCarthy Engineering or from Hofmann Industries attends the next Planning Commission meeting on October 24th. Mr. Leiby questioned if that lot was in the Borough. Mr. Ludgate stated no, but we do have some concerns. Ludgate recommends waiving the plan review in 2006 just as we did in 2005. Mr. Zerr made a motion to waive the review of the plan; seconded by Mr. Leiby. Motion carried.

BOROUGH SOLICITOR – CHARLES FITZPATRICK:

No report

UNFINISHED BUSINESS:

The first item on the agenda was the Public Works Director. Council went into executive session for this personnel matter. Mr. Butkus wanted to inform the public that the name of this person will not be made public as they would like to offer the job to the candidate and let him inform his employer before reading it in the newspaper.

EXECUTIVE SESSION:

Council went into Executive Session at 8:45 p.m.

RECONVENE:

Council reconvened at 9:20 p.m. No action was taken.

UNFINISHED BUSINESS (cont'd):

Mrs. Kutz made a motion to hold a special workshop meeting on Tuesday, October 17, 2006 at 7:00 p.m. to appoint the Public Works Director; seconded by Mr. Light; motion carried. This will also be a budget workshop.

The next item is the PEL Study. Mr. Zerr made a motion to table this item till next month as all of Council should be here to vote on this issue; seconded by Mr. Light. Motion carried.

Bulk cleanup will be Wednesday, October 25, 2006. Mr. Butkus did not want stuff placed out on the curb the weekend before. Mr. Biggs stated what about those people that will be out of town or on vacation. Mr. Butkus stated that if you must put stuff out early, please stack it neatly.

Flu clinic will be Wednesday, October 25, 2006.

NEW BUSINESS:

The first item was the modified fee schedule. Mr. Butkus turned it over to Mr. Ludgate. Mr. Ludgate handed out the new schedule at the workshop meeting. He explained that they were trying to create an easy schedule and adjust some of the fees. In addition, a submission fee was established which was new. The submission fee is paid up front and used to offset the cost of reviewing the plan. He explained that if a permit is reviewed and denied, it pays for the cost of the review. If the permit is not denied, the cost of the permit will be paid when the permit is picked up. The submittal fee is subtracted, Mr. Butkus questioned. Mr. Ludgate explained again how it works. Mr. Zerr made a motion to pass the new fee schedule; seconded by Mr. Leiby. Mr. Butkus requested a roll call. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The next item was the Sunset Apartment time extension. Per our zoning ordinance they did not own enough land to have the number of units they wished to have. We offered a time extension so they could go to the Zoning Hearing Board for an exception. They want twelve (12) units, the ordinance allows only ten (10) or eleven (11). They did appear in front of the Zoning Hearing Board and they were denied. We have not seen any new plans, but we did notice that the time extension will be running out in October. Ludgate Engineering is making the recommendation to reject the plan as submitted for failure to comply with the zoning ordinance unless the developer offers a time extension that will take us at least past Council's November meeting. Mr. Fitzpatrick stated if we are going to do that we need to itemize the reasons for doing this. Mr. Ludgate agrees. Mr. Leiby asked if it is not up to them to ask for the extension. Mr. Ludgate stated it is up to them to ask for the extension. If we let the time run out the developer could try to ask for a deemed approval act argument. We have heard nothing from them. Mr. Fitzpatrick explained that he is actually granting us an extension of time on granting his project approval. A brief discussion ensued. Mr. Leiby made a motion that if they do not seek a time extension by October 13, 2006 that would extend our review time to November 3rd then the plan is rejected for the reasons listed in the letter; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The last item was budget workshop dates. The rec board will be meeting on October 18, 2006, Mr. Light stated to go over the budget. Mrs. Shade will be attending the meeting as well. Mr. Leiby questioned about the street budget in regards to the union. Mr. Leiby feels that it might be smart to wait till the new Public Works Director is on board before we have a budget meeting. Mr. Butkus had no problem with that; however his only concern is that we need to set dates. Mr. Butkus stated that since Mrs. Kutz is head of Admin and Finance and she works Wednesday through Sunday, he would like to propose the 17th of October. Mrs. Kutz feels that it should be after the next Council meeting. The next date will be November 13th at 7:00 p.m.

PUBLIC COMMENT PERIOD:

Mr. Marvin Coldren had a question about 32 S. Hull Street. The kennel has gone; however the dog droppings are still there. The grass needs to be mowed as well. Ludgate will site the homeowners.

Mr. Zerr stated that there is still an issue with Mr. Schlessman and his trash. This was even after he was advised to use thirty two (32) gallon containers. He is still using fifty (50) gallon drums; however he just cut them in half. There are no handles. He is packing all the trash now into

PUBLIC COMMENT PERIOD(cont'd):

these containers. Mr. Butkus asked if Mr. Zerr had a suggestion. Mr. Zerr stated that once again the Borough Secretary draft a letter to Mr. Schlessman what is proper and what is not proper. If he chooses not to comply then he will begin to be cited. Mr. Butkus would like the letter to also address the fact that the diameter of the can has not changed even though he cut them down. That is the major issue. He is claiming he did cut handles into it. Mr. Fitzpatrick would like the Borough to obtain a letter from the hauler with the specific reasons that they don't collect his trash. We can then pass that information along to Mr. Schlessman as well.

TREASURER'S REPORT:

Ms. White gave the Treasurer's Report as follows:

General Account

Opening Balance – September 30, 2006		\$	345,736.77
PLGIT			8,172.25
Invest	Recreation		44,186.87
	General Invest		12,479.64
	To Be Paid	\$	<u>48,076.36</u>
		\$	362,499.17

Sewer Account

Opening Balance – September 30, 2006		\$	272,072.58
PLGIT			54,978.91
Invest	Sewer Revenue		105,779.65
	To Be Paid	\$	<u>11,694.84</u>
		\$	429,554.07

Motion made by Mr. Light to accept the Treasurer's Report; seconded by Mr. Kutz; motion carried. AYES -5, NAYS – 0, ABSENT - 2; Motion carried.

COUNCIL PRESIDENT:

Mr. Butkus stated he wanted to address the public. The merger with Spring Township is one (1) of the issues. Mr. Butkus stated that five (5) people were quoted in the paper as saying if it lowers my taxes great. We do have a lot of services in this Borough. If the sole purpose was to lower taxes, he feels no problem. We can get rid of the police department and the street crew. Every resident will have to deal with cleaning the streets or policing themselves and dealing with what happens when you flush your toilets. There is a cost to live the way we live and to have the quality of life we have here in the Borough. I understand everyone is under the gun; however the Borough does not do this to make a profit. If anyone has a better idea on how to do this, please let him know. He has racked his brain for almost a year as has everyone else some for more. There are a lot of things that go on around the Borough that the residents don't even notice helping to live a suburban life.

ADJOURNMENT:

Mr. Light made a motion to adjourn at 9:50 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer