

The special meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, October 10, 2007 at 7:00 p.m., at the Sinking Spring Borough Hall, by President Lawrence Schmidt. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

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

Other officials present were: Mayor Clarence Noecker; Charles Fitzpatrick, Borough Solicitor; Michael Hart, Public Works Director, Regina Shade, Borough Secretary/Treasurer who recorded the minutes of the proceedings.

APPROVAL OF MEETING MINUTES:

Mr. Light made a motion to accept the meeting minutes from the September 5, 2007, September 6, 2007, and September 25, 2007 meetings; seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried.

Mr. Zerr stated he didn't have a chance to speak to Mr. Wenrich on this matter; however he did speak to Mr. Light. Since it appears there is a problem with some opening their minutes, Mr. Zerr feels we should make hard copies of the minutes and place them in each Councilperson's mailbox. It will be the Councilperson's responsibility to pick them up. Mr. Zerr made a motion to have hard copies of all minutes be placed in each Councilperson's mailbox and it become the Councilperson's responsibility to pick up the minutes; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

VISITORS:

There were no visitors.

BUSINESS:

The first item of business was to rehire the personnel that were fired at the last Council meeting. Mr. Light made a motion to hire Jessica Klee at \$12.50 an hour and Debra Bohn at \$13.50 an hour; seconded by Mr. Zerr. Mr. Sep wondered why this happened. He knows something - they were hired and then at the last meeting they weren't confirmed. He wondered why this was happening. Mr. Fitzpatrick stated the names were not identified at the last meeting. The positions were created and the positions were authorized but the names of the individuals were not authorized at that meeting. Mr. Sep questioned if some of Council knew who was going to be hired and others not. He feels there is a communications gap. Mr. Wenrich stated not really. Mr. Wenrich stated it was advertised in the newspaper and the applications came in. Since Mr. Wenrich is Director of the

BUSINESS (cont'd):

Admin Committee, it was his decision, and he takes full responsibility for this, but he feels that the direct supervisors of these people do the interviewing. That is our PWD and the Borough Secretary/Treasurer. He stated this is no different than any other business. He stated you don't ask the presidents of large companies if they approve of the hiring of minimum wage employees. These are true worker positions. These are not management employees. He feels that some of the people who Council were upset because they feel they need to say yeah or nay. The PWD and the Borough Secretary were hired by Council to run their departments. That is why he made the decisions that they be hired at their recommendations. Mr. Wenrich stated we don't approve of the librarians, or people at the sewer plant. We agreed to establish those two (2) positions and we did just that. We should trust the people we have hired to do their jobs. We should not be micro-managing these people. We seem to be getting into ego contests, and pointing fingers, and making allegations. Mr. Sep stated that if at the last meeting things were being taken care of, we wouldn't be here paying the Solicitor again for being here. In additions, we are taking up all these people's time. He thought all seven (7) people should know these things. Mr. Wenrich stated they were aware we were hiring two (2) new people. Those positions were voted on at a public meeting, the wages were approved at a public meeting. Mr. Wenrich wanted to know if the people are qualified what the difference is. Mr. Sep didn't know the policy of Borough Council but there shouldn't be a meeting like this. He feels if there was communications there wouldn't be a meeting that night and those people wouldn't have been let go. Mr. Sep feels this meeting was costing us money and if we just communicated we wouldn't be having this meeting. Mr. Wenrich stated that was not true; we still would be having this meeting tonight even if this issue hadn't arisen. He will get into that later. Mr. Light said when this came up at the last meeting, it was known that two (2) of the members would not be at that meeting. Mr. Light wanted this issue tabled however the other members wanted to move ahead with this. Mrs. Kutz said then this meeting was planned before hand and no one knew about it. Mr. Light said, no it was not planned, how could it be planned, how did we know that they would be fired? Mr. Wenrich stated the reason he said there would be a meeting was because when he got back in town, there was a message on his answering machine and his phone was ringing along with the phones at the Borough Hall in regards to another issue that is why he knew there was going to be a meeting that evening. This is a totally different item. Mrs. Kutz wondered why in the past when we had other positions, Council got to look at resumes. Mr. Butkus said or at least names. Mr. Wenrich wanted to know what difference the name makes if the person is qualified. Mr. Butkus said because hiring and firing in this Borough is with Council. When we appoint new police officers, we are given a name. Mr. Wenrich stated that is a position of authority. Mr. Butkus stated we are still given a name. We get recommendations from the library, we get a name, Mr. Butkus said. Mr. Wenrich stated that they are already working, the Library Board hires them, and we just reaffirm them. It is a formality. Mr. Fitzpatrick stated it has been traditionally done, that Council does the hire specific individuals. Council could authorize the positions, and then authorize Mrs. Shade or Mr. Hart or another individual to make recommendations. Mr. Light stated we did that. We had a seven (7) to nothing vote, to hire these positions. If there were any questions, then it should have been discussed at that time. In addition, we could have tabled this until later when full Council was available, but no, we had to vote. Mr. Light stated (this was just his opinion) but there were two (2) people who were friends with Council and those two (2) people were not hired so that is part of the problem here. Mrs. Kutz questioned how he knew that when other members didn't. Mr. Light stated that Mrs. Kutz was the one who told him. He said that Mrs. Kutz sat in that

BUSINESS (cont'd):

room and said that her friends were not interviewed. She said she didn't know two (2) people interviewing for the job. She knew of one (1) not two (2). Mr. Butkus stated on the tabling issue that we did not hire these people legally. They had started work and we didn't hire people. They worked for a month. We didn't authorize anyone to hire these people, why go another month with them working? Mr. Light said what was wrong with tabling it as we didn't have a full Council. Mr. Butkus stated we didn't legally hire them to start with. Mr. Schmidt said let's move on. Mr. Leiby said we had put an ad in the paper. He was under the impression that we were going to hire two (2) people. He thought an ad would go in the paper. Mr. Wenrich stated that was what was voted on. Mr. Leiby thought we were hiring one (1) person. Mr. Wenrich stated originally it was one (1) person. A discussion ensued as to hiring the second person. Mr. Schmidt stated we would have to look back on the minutes. Mr. Wenrich stated when we were in the back we decided we needed to hire a second position. Mr. Leiby thought that we were going to run another ad and then hire a second person. Mrs. Shade explained how this came about. She said after the second person quit we reran the ad. We had a bunch of applicants that we had interviewed. Instead of costing more and rerunning the ad a third time we had a few other possible candidates for the second position. All of them would have been good candidates. The first worked at another municipality and wanted \$47,000.00 to start. Mrs. Shade stated we could not afford her. The second person had worked at a bank. She was regimented. She was use to doing things on a time schedule. Mrs. Shade stated the Borough is a "where the problem is that is what we are doing today municipality." Both Mrs. Shade and Mr. Hart felt after interviewing her that she would not be a good match here. We do try to do things on a schedule; however most of the time, we can't. After losing the first two (2) people both Mrs. Shade and Mr. Hart wanted to make sure we had the "right fit", she said. We also had to look at what monies we were offering. Many people wanted a lot more money than we were offering. That was a consideration too, Mrs. Shade stated. Mrs. Shade said we found two (2) people who brought municipal experience and were willing to work for the salaries we were offering. Mrs. Shade brought copies of their resumes for anyone who wanted to see them. She continued that Mrs. Bohn works well in a "crisis situation." She came from an environment that she had to change gears on a moment's notice. Ms. Klee came from another municipality, she knows how we work. Mrs. Shade stated it was 11:00 p.m. and she along with Mr. Fitzpatrick just didn't even think of mentioning names. She apologized for not mentioning the names and stated it was not malicious it was an oversight on her part. Mr. Leiby questioned if there was a probationary period. Mr. Leiby questioned if their benefits will start at the end of their probationary period. Mrs. Shade stated the benefits will be right away as stated in our handbook. Mr. Schmidt stated there are many things that need to be done. Updating the handbook and codification process need to be done. Mr. Leiby asked if the grant money does not come through are we going to lay these people off. Mr. Schmidt stated no. Mr. Leiby stated we hired two (2) people without grant money. Mr. Schmidt stated yes, they have nothing to do with grant money. This has nothing to do with Main Street. Mr. Butkus thought that was why we were hiring the additional person. Mr. Schmidt said the second person will eventually be transferred over to the Main Street project once it gets really moving. One person is for the front office and the other is to help Mike Hart with permits and those types of things along with filing. Mr. Hart agreed. Mrs. Shade stated these individuals will free up Mr. Hart and her to do more work with the Main Street project. Mr. Zerr said that is probably what Mr. Leiby was thinking of. Mr. Francis Butkus stated that Mr. Schmidt made a comment and everyone took the comment as he said it. The comment was we are going to need these people

BUSINESS (cont'd):

with this.....(couldn't hear exactly what was said as many people were talking.) The other part stated Mr. Zerr was it was brought up to hire them and it was turned down. Most people thought we were going to interview them. He said that is what was discussed when they went outside. Mr. Francis Butkus thought this was just the beginning; he didn't know "it was in the can." Mr. Schmidt stated it was approved at a meeting. Mr. Schmidt said if there was a misunderstanding about what he said, he was sorry; however we needed two (2) people immediately. One (1) will be part of the Main Street project and we probably will be hiring another person as well as we will need a full time secretary as he was told to the Main Street Manager. This is not in the immediate future. He hopes that everyone now understands. He asked for a roll call vote. Mrs. Shade stated Jessica Klee at \$12.50 and Debra Bohn at \$13.50. AYES – 5, NAYS – 2 (Mr. Leiby and Mrs. Kutz); motion carried.

The next item was a new date for the Traditions hearing. The new date is November 7, 2007 at 7:00 p.m. There was some confusion about the dates. Some people from Traditions thought it was October 31, 2007. Mr. Schmidt stated it will be Wednesday, November 7, 2007 at 7:00 p.m. here at the Borough Hall. This is the continuation of the Conditional Use Hearing. Mr. Zerr stated this has nothing to do with the plans. Mr. Leiby stated the only thing that will be discussed is the traffic study. Mr. Butkus stated any other questions that might need to be answered too. A brief discussion ensued.

There will be a flu shot clinic on Wednesday, October 17, 2007 from 1 p.m. to 4 p.m.

Mr. Sep asked if anything as been approved for Traditions. Mr. Schmidt said no. He questioned if they aren't building soon. Mr. Zerr and Mr. Schmidt stated plans have not even been submitted to us yet. A discussion ensued as to conceptual plans that were submitted.

Fall cleanup will be Wednesday, October 24, 2007.

The workshop meetings for October and November have been cancelled. The November 1, 2007 meeting will be "Meet the Candidates" night. As far as the opening of the bids and awarding the contract was discussed. The bids will be opened Monday, October 15, 2007 at 2:00 p.m. Mrs. Shade stated that the bids were to be awarded at the workshop meeting held on the 24th but since the meeting was cancelled the awarding will take place on November 1, 2007. Ms. Klee has called all the companies that have picked up specs and they were told of the change. In addition a legal notice will be placed in the paper stating the change in the award date.

Mr. Wenrich said just as a few people were confused on miscommunications earlier that evening; Mr. Wenrich along with Mrs. Shade has been receiving phone calls. Mr. Wenrich spent over a half hour on the phone explaining to a gentleman due to miscommunications what actually has happened. Mr. Wenrich was not at the function where this was discussed but he tried to explain to the person what was going to happen or not happen. Mr. Wenrich stated a Councilperson was at a VFW meeting and stated that the Borough is going to level the VFW. Mr. Wenrich was not sure what Council meeting that was at. He said he doesn't know when this Council or any prior Council stated they were going to level the VFW. The gentleman was almost in tears talking to Mr.

BUSINESS (cont'd):

Wenrich. He was under the impression that January 1, 2007 the bulldozers were going to be there leveling their building. Mr. Wenrich apologized and told him this was not true. He explained that we are only in the conceptual phase and we are only applying for grants. It is three (3) phase project. He explained that this could be an 8 to 10 year project maybe longer. He stated at the one (1) Council meeting the gentleman from West Reading along with the Borough Engineer put together a presentation that explained what might happen. He gave each person a booklet. There was a conceptual plan for a Penn Avenue bypass which will take you eventually to Rt. 724. The one (1) conceptual plan did go through the VFW. Please take note, they are conceptual. They can be changed many, many times. He said now the "lifeblood" of the VFW hates Council for what they are doing to the VFW. Mr. Wenrich wanted to ask that Councilperson how they presented that to the VFW...either you weren't very clear or they didn't hear you properly. They said they were only shown one (1) conceptual plan. Mrs. Kutz stated she gave them the whole packet for them to review at their meeting. She thought there was no reason for them not to have it. They were getting ready for a \$10,000 project. She stated that is all she did. Mr. Wenrich said he was told that a Councilperson stood up and showed them this plan. Mrs. Kutz stated they had the whole packet. She wanted to know what could happen before they dumped all that money into it. Mr. Leiby questioned if that was their regular meeting. Mr. Wenrich stated it was the new gentleman that just came on board as the Chairman of the Home Association. He thought his name was Mr. Heisen. Mrs. Kutz stated he gave them this plan. She felt that they might want to rethink about putting that kind of money out. They again thought the bulldozers were coming in January 1st. Mrs. Kutz does not know where they got that idea from. The meeting was over a month ago. Mr. Zerr asked if that was when Mr. Heisen got elected. Mr. Wenrich said he fielded calls yesterday and today. He got calls at his house. Mr. Wenrich stated there are always two (2) sides to every story. Mrs. Kutz said she couldn't understand why they couldn't have a copy of that. Mr. Wenrich said they certainly could have a copy as they were handed out a Council meeting. They can have all the copies they want. Mr. Wenrich stated that Bob Ludgate will be going to their next meeting and doing the same presentation that was given to Council and the public. Mr. Wenrich stated this is a work in progress. He explained to Mr. Heisen that he is a Veteran and he told him the Vets will stay as far as he is concerned. That is more of Sinking Spring's history. He continued with a conceptual plan you have some leeway. He told the gentleman to get his people together and when Mr. Ludgate is there, have "your" people there and hear what he has to say. He believes that there was a misunderstanding. The gentleman again told Mr. Wenrich they also so the plan where the VFW will be leveled. Mr. Leiby questioned about the other concepts. Mr. Wenrich stated they go out and around the back. Mr. Schmidt stated all the plans show a bit of land being taken; however he wanted to make sure everyone knew that was the way they were drawn. Mr. Butkus stated this was just a start off point. Mr. Schmidt said this is so far off in the future. Mr. Schmidt stated if and only if for some reason we had to take the VFW, we hopefully can relocate them to a new location. Mrs. Shade said that she spoke with Bob, Jr. that day and he will be meeting with the VFW and talk to them about these issues. In addition, he feels this will be an issue the steering committee will address. These people could come up with a totally different idea. Mrs. Shade continued that she explained this to Mr. Heisen and he was feeling better about the whole idea after their conversation. Mr. Zerr questioned Mr. Fitzpatrick if anything had been done about the housing of the Memorial in case something should happen to the VFW. Mr. Fitzpatrick said Mr. Bud Spidel was to contact him; however he has not heard a thing about that since that meeting. Mr. Zerr said he doesn't

BUSINESS (cont'd):

want to see the Vets go either. Mr. Butkus stated he was asked by the public, how do we justify spending all this money to help only a few businesses. He does realize it will help with the overall tax base but...it will help only certain businesses not all businesses. How do we show that we are not playing favorites for a few businesses or property owners? Mr. Schmidt stated if we could help some businesses it is his hope this would attract people to the other businesses as well. There will be money available for people to use. Mr. Butkus stated that is only for business on Penn Avenue. Mr. Schmidt stated yes. Mr. Leiby said the way that got around that in West Reading was to tax the people more on Penn Avenue. Mr. Hart said to a certain point. Mr. Butkus wondered how many businesses we will be taking down for this. Mr. Schmidt said two (2) or three (3) that might be in jeopardy at this point in time. Mr. Wenrich said if you are bringing in more populous in to do shopping then the little side businesses will prosper as well. He used the Railroad House as an example. If people are coming in shopping, they will need a place to eat. He is not on Penn Avenue but if he markets himself right, it will bring more clientele to him. Mr. Schmidt said this is the theory behind it. Mr. Sep said he is looking at concept A and B. The road is only crossing the back section of their lot. He said it doesn't appear the road is even going to touch the building. Mr. Sep feels they could move that road a few feet that way and it won't even be near them at all. Mr. Schmidt explained what the differences between the two (2) concepts are. One (1) concept allows for a large type store the other allows for smaller shops. He continued at this point where the road ends up depends on which way the committee decides to go. Mr. Sep feels the road could be moved. Mr. Butkus said he hopes as the project gets moving there will be more and more public meetings. Mrs. Shade said as part of the process it is required to have Town Meetings. Mrs. Shade continued Mr. Sid Stocker of the VFW has contacted Bob Ludgate regarding this issue as well. Mr. Ludgate explained the exact same thing to him as what was explained here tonight. They will be asking for a member or two (2) to sit on the steering committee. Mr. Francis asked if a study has been done on the approximate cost of the project and second what would be the payback time on it. Mr. Schmidt said the overall project and this is a bit hard to give as we aren't exactly sure the exact number, at this time will be in the area of \$15 million dollars. This would be if we do everything that should be done. He doesn't know if this is a feasible number. Mr. Francis Butkus feels he is low. He wanted to know the payback time. On a \$20 million dollar project, how long would it take to make that \$20 million up, Mr. Francis Butkus questioned. Mr. Schmidt stated a long time. Mr. Francis Butkus said exactly...is this a wise decision, can we justify it? Mr. Schmidt said, if we don't do something, what is going to happen? Those buildings have sat down their empty for how many years now? We have tried hard to get people into the bank buildings...we have tried for the Joe Dell properties...nobody wants it. We have had investors come in and tell us, it is land locked. There is no way to get in and out of there. They have asked....why should I invest in this. Mr. Francis Butkus questioned if Joe Dell's property connected to the end of Krick? Mr. Hart said no. Mr. George Butkus thought it was; he thought he gave us a cul-de-sac. Mr. Zerr said he gave us land for a cul-de-sac but it is not connected to anything. Mr. Hart stated that the gentleman that bought the old dentist office slices right through the middle of the Joe Dell property. His property line goes out to Krick. So the dentist office partitions the Joe Dell property. Mr. Schmidt stated regardless, if we don't do something, we won't make it either way. Hopefully, he feels it is a step in the right direction as we have tried doing nothing and look at where we are now. If we go with the whole thing who knows, and we might find out that we can't do any of it, but we owe it to the residents and current businesses to try. There is a lot of hope too, from many people, that we can

BUSINESS (cont'd):

have investors put money into this project and then we wouldn't need to put our money into the project. We currently have two (2) investors looking at the project. Mr. Wenrich stated how much money will it cost us, we are going after grants. We can use Mr. Hart's salary and Mrs. Shade's salary against what the State says we must provide. Mr. Wenrich continued we are already spending that money, so we might as well get State money to put back into the area. We need to get by the first step, and then we can look at the next step. In addition, if we can do anything to help get more businesses in here, then we need to do it. We need the little restaurant just for the tax base alone. Mr. Francis Butkus agrees with the exception of one (1) point. Almost any place where government put their hands into it, it cost the taxpayers' a lot of money. When private enterprise made it work it was a bigger benefit done. Whichever way we decide to go is fine with Mr. Francis Butkus but there is one (1) thing he would like to see. He would like to make sure before we get started we should have a "trigger" that goes off before we get in too far. Mr. Schmidt said we just put our first grant in the day before. Mr. Schmidt said the State will be telling us if we can move ahead or not. We know we don't have the money to do this without their money. We don't have enough to do this project on our own. The State is very interested in this project. They know they have a problem in the center of town. Mr. Schmidt stated there are so many departments and committees that have money that we can apply for. If we make a path in the Brookfield Manor area and carry toward the Tulpehocken Creek and tie it in near Spring Township, we can apply for Greenway money. They will pay for about 75%. This is the type of money that is floating around out there. The State is interested. Mr. Wenrich agrees with Mr. Francis Butkus but if we can do some of this beginning work and then tie in with a developer or two (2), this could take off. Mr. Francis Butkus had another comment. There was an article in the newspaper that said the permitting and licensing process needs to be shortened in their time cycle. In PA in can take one (1) to three (3) years to get all permits needed. This can be shortened by good government operations. Mr. Francis Butkus stated it could be two (2) to three (3) years till all the steps go through for Traditions. Those monies could be chewed up some place else. We could lose out not only what appears to be a good looking affair but some way shape or somehow these permitting issues need to be shortened in such away it makes it economically feasible for these people, investors, or developers. Mr. Francis Butkus went on to say that no one would want to invest in something that could take years to develop. He asked Mr. Fitzpatrick if it is legislated that we do things the way we do them. Mr. Fitzpatrick stated yes, the State does dictate the procedure. We have the PA Municipalities Planning Code which tells us the stages of development we must go through and how you must go through it and the zoning approval and stages of getting approval from the zoning hearing board. It is all established by the State. Mr. Fitzpatrick stated he sees both sides. Yes, developers think it does move slower and they want to begin the project right away. The other side of the coin is that there are residents in the area that object to the project. If they didn't have this procedure set up, those residents would not have a say. If there were no hearings to planning commissions or zoning hearing boards, these businesses would be rammed down their throats. Mr. Francis Butkus questioned if it was mandated that you can't have a hearing within thirty (30) days. He continued to explain his concern. Mr. Fitzpatrick stated that meetings are usually established at a local level; however these boards are made up of volunteers or minimally paid people that they have other jobs. It is a slow process. A discussion ensued as to how long it is taking for Traditions to come to fruition. Mr. Schmidt questioned if the Authority questioned if the Agreement with Spring Township has been signed with regards to Luigard. Mr. Francis Butkus stated they did. Mr. George Butkus stated with all the problems on getting the permits and those type things wouldn't

BUSINESS (cont'd):

it behoove the Borough to keep the businesses it already has. Mr. Schmidt and Mr. Zerr both said absolutely. Mr. Butkus stated couldn't we be chasing them out with this process. Shouldn't we be spending time and money to keep the businesses we already have. Mr. Schmidt hopes we are not thinking of chasing away any business. This is not in his mind at all. Some businesses might need to be relocated; but no one wants them to leave. Mrs. Shade told Mr. Schmidt to explain about the steering committee. Mr. Schmidt said that a steering committee has been formed. It is required as part of the grant process. On this committee are business owners, residents, planning commission members, and Mrs. Shade and Mr. Hart. He does not want Council to be involved directly with this project. Yes, all spending and all of that will come before Council but the planning phase, he hopes to keep it away from Council so it does not become political. Some of the business owners are: Mr. David Meas, Hair on the Avenue, Mrs. Sandy Graffius, Graffius Burial Vaults, Mr. James Kremp, All About You Salon, Mr. Steven Liptock, Express Lube, Mr. Peter Bluiduiz, of Alcon, and Mr. James Hong, of the Toll House Shoppes. Mr. Mike Siminski, Mr. James Yarger, Mr. James Pachuillo, and Mr. Karl Hilgendorf, are the Planning Commission members serving on the Board. Mr. Bernie Campbell of Milbeth Village along with Mr. and Mrs. Duncan are on the committee along with Mr. Zerr, who will be representing Council on the Committee. Mr. George Butkus questioned when do we appoint these people? Mr. Schmidt stated they are not appointed. They are asked to serve on this committee. There is no money. Mr. George Butkus stated that they just help to contribute to the process. Mr. Fitzpatrick stated it is not a paid municipal option. Mr. George Butkus just wondered how the people were selected. Mrs. Shade said the State mandated that we need to have business owners on Penn Avenue sit on this committee along with planning commission members, and residents in the directly affected area. Mr. Schmidt stated if others are interested please let us know. The State has recommended not too many people be involved as then we will have too many opinions and the work won't get done that will need to get done. We tried to keep it down. Mr. Wenrich said that the permitting and licensing might not take as long as the State is involved. They won't want the project to sit too long while the permitting is being done. They will want to see a return on their investment as well, Mr. Zerr said. Mr. Francis Butkus said anything that we can do to help Traditions move along should be done. They got their price on putting the parallel line in. It is about a 1/3 less then we could do. A discussion ensued. Mr. Zerr said we are working very hard with them to keep it moving.

There was an issue with the computer at the sewer plant; however it was corrected and the problem was taken care of.

ADJOURNMENT:

Mr. Light made a motion to adjourn at 8:15 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer