

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, October 15, 2008 at 7:15 p.m., at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

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

Other officials present were: Keith Mooney, Borough Solicitor, James Oxenreider, Chief of Police, Robert Ludgate, Sr., Ludgate Engineering, David Schlott Jr., ARRO Consulting, Ronald Wentzel, Liberty Fire Company, and Regina Shade, Secretary/Treasurer, who recorded the minutes of the proceeding.

A public hearing was held starting at 6:30 p.m. for the adoption of the Official Map.

A moment of silence was held for our armed services, police and fire personnel that are in harm's way.

Mr. Ludgate inquired as to how the Mayor was doing. Mr. Wenrich stated he is doing quite well. He was in the Borough Hall just that day. He continued the Mayor is 92 years old and fell at his residence. He continued that he broke five (5) ribs and spent some time in the hospital. We continue to wish him well.

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

Mr. Light made a motion to accept the meeting minutes from the August 27, September 4, and September 24, 2008 Council meeting; seconded by Mr. Schmidt. AYES – 5 NAYS – 0, ABSENT - 2 (Mr. Butkus and Mr. Zerr); motion carried.

#### **OFFICIAL MAP:**

Mr. Schmidt made a motion to adopt the Ordinance adopting the official map as was held at the public hearing prior to the regular meeting; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

#### **VISITORS:**

There were no visitors that addressed Council. Mr. Bernard Campbell thanked Council for adopting the map. He continued he feels it is an outstanding step Council had just taken for the future of our municipality.

**COMMUNICATIONS:**

Mrs. Shade read two letters that were received. The first letter was from JSAT Enterprises. Mr. Todd Kline owns a property at 255 S. Hull Street. They have been using a dumpster supplied by Berks Transfer since September of 2007. This dumpster is located at his business next door. He called the office and was told if he wanted to be exonerated from paying this bill he would need to send a letter and it would need to come before Council. We currently bill each residence in the Borough \$50 a quarter. He is saying that they do not use the Borough supplied trash hauler, they use the dumpster. Ms. Sloan made a motion to deny the request for exoneration of the residence from paying the Borough trash bill; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The second letter was from Hofmann Industries. Mr. Peter Juzyk of the Borough sewer plant discovered abnormally high readings coming from one of their meters. They had a water leak in a single restroom facility at their plant. The leak was from underground piping placed there years ago. They shut the water off immediately and contacted a plumber. The piping is now overhead. They are requesting that the Borough use an average number of meter readings at this location for billing purposes since the water from this leak never went into the Borough's treatment plant. Ms. Sloan questioned where the water went. The water went directly into the ground, Mr. Schlott stated. Mr. Light made a motion to go back three (3) quarters and take an average and bill Hofmann for that amount; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT -2; motion carried.

**APPROVAL OF THE BILLS:**

Mrs. Kutz made a motion to pay the bills; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT - 2; motion carried.

**MILLER ENVIRONMENTAL:**

Mr. Peter Juzyk gave the report for September, 2008. The August 2008 DMR was completed and submitted to the PA DEP. There were no violations. The remaining commercial invoices for the second quarter of 2008 were paid. Mr. Schmidt went back to item two (2) that stated there were two (2) excessive water readings at two (2) of their three (3) meters. Mr. Juzyk stated that was true however they did pay for the other leak without question. There was a problem with a piece of faulty equipment and they are going to pay for that problem. They completed the third quarter sampling of commercial permittees; invoices will be processed in October. An inspection was performed at Reading Bakery Systems and the permit processed by ARRO has been sent to them for their signature. An executed permit was sent to Wonderful Chinese Restaurant. They are now in full compliance and he thanked everyone for their help. All the equipment that was damaged by the July, 2008 lightning strike has been repaired or replaced. A new employee, James P. Dawson started 9/8/08 replacing Tom Norris. During cleaning and servicing a crack on the heat exchanger on the garage oil heater was detected. The service tech recommended replacing the entire unit. Quotes are being worked on. Reading Electric has submitted a quote for the lightning protection system for the treatment plant. The total cost is \$40,150.00. Mr. Juzyk explained what would be covered. It was thought that there was \$3,000 to \$4,000 damage. The lightning strike from last year was much more significant. It was thought that this could be placed in the budget for next year. Mr. Schmidt felt we should get another bid. Mr. Mooney stated considering the price tag

**MILLER ENVIRONMENTAL (cont'd):**

we are going to have to put specs together. This will need to go through the public bidding process. Mr. Schlott stated it might be to our best interest to roll this into the plant expansion/upgrade and do it that way. Mr. Schmidt questioned if that will be part of the bids for the plant. Mr. Schlott stated that would be a subcontract. There will be two (2) contracts for the project. One (1) being general and then there will be an electrical. Mr. Juzyk stated they have been looking to the TSS & BOD problem. They have been doing split sampling. He feels that Atlantic Coast could be ruled out as the source of any issues. They have begun some other testing on the Reedy Road and Cacoosing Creek interceptors. Mr. Schlott stated it does appear that it is not a laboratory problem. It seems to be sampling location problem now. We are now narrowing the problem down.

**SEWER ENGINEER – DAVID SCHLOTT, JR.:**

Mr. Schlott stated they will be making an amendment to the permit packages for the upgrade to the plant. This is for the phosphorous removal equipment. They modified the plans for this. ARRO is continuing to provide assistance with the implementation of the Sewer Use Ordinance. The organic loading reported by Miller Environmental appears to be significantly higher than normal. Once again they believe this has to do with sampling location. Additional samples have been taken to verify this. The next item was Brookfield Manor Phases I and II. The developer desired to dedicate the sewer system to the Authority. An inspection was performed and a punch list was generated. The developer has informed ARRO that the contractor or contractors are presently completing the punch list. The Mountain Home Road Sanitary Sewer project had a problem with false alarms from the control panel. There was a plug in the back of the panel that was not plugged in properly. It is now corrected. The next item was Traditions. The sag has been corrected at Mt. Home Road. The hole was not that bad underneath. The next item was Traditions. The applicant's consultant has submitted a planning module for approval. Following approval from the Authority the planning module must be signed by the Borough Council. The last item had to do with Wagner Farms Phase IV (Hillpoint Circle). They have performed a site visit and there does not appear to be any outstanding sewer issues as it relates to the maintenance bond. However, some homeowners have planted landscaping in the right-a-way of the sanitary sewer. It is recommended that the Borough inform the owners that in the future the Borough will not be responsible for replacement of items installed in the right-a-way. Mr. Wenrich requested Mr. Hart to go to each of the effected homeowners and explain to them how this will work. Mr. Schlott stated their office in the past has sent out the letter and they will work with Mr. Hart on this.

**REVITALIZATION PROJECT:**

Mr. James Pachuillo thanked Council for adopting the Official Map. He continued they had to cancel their last meeting but they have been in correspondence with Mr. Loft that we need to look at our goals and objectives for next year. We shall be having a bingo for the women and a sports day for the men. This will occur on November 16, 2008. Mr. Pachuillo turned it over to Mr. Sam Loth regarding the grant. He stated that we submitted a grant for the planning which is part of the process. Once DCED got a hold of this, they asked us to resubmit the grant application under the LUPTAP program. We rewrote the application and it has been received by the DCED in addition to all the attachments. There is one (1) detail we need to take care of. It is that we need to change the

**REVITALIZATION PROJECT (cont'd):**

resolution from the Shared Service Program to the LUPTAP program. The review committee will be meeting the 21<sup>st</sup> of October. Ms. Sloan questioned the time to which Mr. Loth stated he had no idea. They review at their Harrisburg office at their convenience. Mr. Light made the motion to change the resolution from the Shared Service Program to the LUPTAP Program; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Ludgate had a meeting with the Director of BARTA and they are very much behind this project. This letter will be forthcoming. Mr. Loth will inform Mr. Bednar of DCED that this is will be coming. Mr. Wenrich thanked Mr. Loth for his work at the Revitalization Day. Mr. Loth stated we have a great park system and he hopes that we shall be able to continue growing it as well. Mr. Wenrich thanked the Revitalization Committee (BOSS 2020) for all their dedicated work even though it is not a paid position; they get paid back in thanks from the community. Mr. Wenrich stated on behalf of all of Council he thanked them again and stated Council is totally behind this project.

**COMMITTEE REPORTS:****LIBERTY FIRE DEPARTMENT – RONALD WENTZEL:**

Mr. Wentzel stated he had a few things to pass along. They have four (4) young firefighters that have finished all their training up to the point where they are considered inside firefighters. They are ready to take their test. He explained about some of the other tests they are taking. The last item was the fire task force merger. He stated there are rumors floating around. It appears there are lots of stories going around. He continued for whatever reason there has not been a Borough representative there at every meeting. It appears there are a lot of questions. Some of the concerns he is aware of is, loss of control in the fire department. This item will be addressed at the Tuesday, October 21<sup>st</sup> meeting at 7:00 p.m. at the Green Valley School. This meeting has been officially advertised. He understands that we have three (3) confirmed “yeses” from the Borough. He hopes more will come. Every issue will be addressed. He continued to explain what will be discussed. He does not think there will be any loss of control. He again, stated come to the meeting and hear what is planned. He said he heard there was some concern about the higher hierarchy of the officers. The fire officers of each of the four (4) companies wrote the job descriptions, no one else. They voted for whom they thought would do the best job. He spoke that he did submit a budget. He again urged Council to attend and bring an open mind. He wanted them to hear the presentation by all of the members. A discussion ensued as to what exactly can happen by the merger. Ms. Brenda Messina questioned over the last few years how many calls went unanswered. Mr. Wentzel stated he was happy to say none. He went on to explain that not a lot of manpower is available at times but someone usually is able to respond. She questioned over the last five (5) years. He stated he can recall only once but he would need to look through the records to be sure. We currently have contracts in place that we help each other department if necessary. The concern is what if there is a major issue. She questioned why he feels we need this if we have the manpower. Mr. Wentzel stated the regional force brings additional resources to the plate. He went on to explain. The shared equipment and manpower will be a great resource. Mr. Wentzel stated he doesn't care what color the truck is or what it says on the side as long as someone responds when he calls 911. They are all there to do the same job. That is what they want to do. They have already begun talks if this happens, what pieces of apparatus could be sold and put money in the coffers. Another item is bulk purchasing. It costs about \$3,000 to \$3,500 to suit a fireman. There is a ten (10) year life on

**LIBERTY FIRE DEPARTMENT – RONALD WENTZEL:**

this equipment. Chief Oxenreider explained about a mulch fire incident that only one (1) man responded to. The Borough is forced to supply fire suppression under the Borough Code. The cost to replace the truck will be close to \$1,000,000.00. All trucks will now come with a black box.

**POLICE DEPARTMENT – CHIEF JAMES OXENREIDER:**

Chief Oxenreider stated they had 153 calls for the month of September. They issued 111 traffic citations in conjunction with Smooth Operator, 18 parking tickets, and 10 warnings. Officer Moyer has completed his six (6) months. He would like to put him up to Class III Patrolman. He did not have the current rate with him though. He will also be attending a forty (40) hour training seminar on evidence. This is conducted by Officer Johnson in October. The Charger is out on the street. We currently have 36 bikes in the basement. He would like Council's approval to donate the bikes to Wood to Wonderful based in Reading. They use kids from the City to refurbish the bikes and then give them to deserving children as well as adults. They are also used as rewards for school motivational programs. Mr. Schmidt made a motion to allow our Chief to contact them; seconded by Ms. Sloan. AYES – 5, NAYS -0, ABSENT – 2; motion carried. Mr. Schmidt made a motion to promote Officer Dennis Moyer to Patrolman Class III and pay him the corresponding pay rate; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. The video equipment is installed and working.

**PUBLIC SAFETY – LARRY SCHMIDT:**

Mr. Schmidt stated in light of the fact that Mr. Zerr is not here this evening, he would like to present the list of businesses that will not be paying for trash fees as they have dumpsters. We shall need to exonerate the tax collector from collecting this fee. Mr. Schmidt made the motion to exonerate the tax collector from collecting this money as they have their own dumpsters; seconded by Mr. Light. AYES – 5, NAYS – 0; ABSENT – 2; motion carried.

The sewer meeting with Spring Township has happened. This is a work in progress.

Mr. Light questioned how we were doing with the landlord permits. Mr. Schmidt stated he had spoken to Ms. Sloan and she has a markup in place. However with so much on our plates at this time he feels we should postpone this till January. Mr. Light thanked him.

**STREETS, BUILDINGS, & UTILITIES – BRUCE LIGHT:**

Mr. Light stated Mr. Hart came to him about a problem with the pole building. It is coming along well however we need 5" seamless gutters and downspouts. Mr. Light made a motion to put them both in at a cost of \$1,250.00; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

**LIBRARY – ELIZABETHE SLOAN:**

Ms. Sloan had two (2) items. The first being the letter we received from McCarthy Engineering looking for an extension. However the date of the extension was 2008 she wanted

**LIBRARY – ELIZABETHE SLOAN (cont'd):**

it noted it should read February of 2009.

The second item pertained to gas cards for Mrs. Shade and Mr. Hart. It was discussed at a prior admin meeting about giving a \$50 gas card to them since they are asked to attend many meetings. Mr. Light agreed that it had been discussed and was agreed upon. This is due to the high gas prices through no fault of their own. Since Mr. Zerr is not here that evening she was going to make the motion. Ms. Sloan made a motion to purchase a \$50 gas card for Mrs. Shade and a \$50 gas card for Mr. Hart; seconded by Mrs. Kutz. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mrs. Shade and Mr. Hart both thanked Council for their generosity.

**COUNCIL PRESIDENT – STEWART WENRICH:**

Mr. Wenrich asked Mr. Hart what happened to the driver's side of the admin car. Mr. Hart stated there was touch up paint put on and the primer must have been wet. They didn't allow enough time to dry to put on the finish coat so now it is cracking. It is being taken care of.

**UNFINISHED BUSINESS:**

Hillpoint Circle release of escrow money was the first item under unfinished business. Mr. Ludgate had a letter by Mr. Peter Eisenbrown stating that they have taken care of all their concerns and that the maintenance bond need not be retained. The developer should be released of responsibility. Mr. Schmidt questioned how much money were we talking about. Mrs. Shade stated in area of \$22, 410.00. We opened an account that put this money aside and they collect the interest on it. Mr. Schmidt made a motion to release this money back to the developer based on Ludgate Engineering's recommendation; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The lighting of the Borough Christmas tree will be December 3<sup>rd</sup> at 7:00 p.m. The time is 7:00 to 9:00 p.m. Mr. Wentzel stated they will bring the utility truck down and light the area and Santa will come via the fire truck as has been done in the past. We shall have a Santa.

The next item was new sewer software. Mrs. Shade explained that our current software license has expired however since we were not sure if the Authority was going to become a working Authority we held off on doing anything. Ms. Elizabeth White along with Ms. Deb Bohn and Mrs. Shade met with a number of vendors. We received at least three quotes; however this one (1) was the one that best suits our needs. In addition, this quote was the cheapest. The quote is in the amount of \$8,063.00. The original quote we received was at the end of April beginning of May. Mrs. Shade had Ms. White contact the company and they are willing to keep with the price they quoted for us originally. Mrs. Kutz made a motion to purchase the sewer software at a cost of \$8,063.00; seconded by Mr. Schmidt. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

**NEW BUSINESS:**

The first item was setting budget meeting dates. Mr. Wenrich defers setting the dates till the November meeting. We are still in the process of retrieving information.

**NEW BUSINESS (cont'd):**

The next item was establishing the meeting dates for 2009. Council needed to establish the meeting date for January as the first Thursday in January was actually New Year's Day. It was decided to have the meeting on Monday, January 5, 2009. We need to pass a resolution setting the dates. We have done this every year. Mrs. Shade read when the meetings are set and where. Mr. Light made a motion to pass the Resolution setting the dates for the 2009 meetings as read by Mrs. Shade; seconded by Ms. Sloan. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

**EXECUTIVE SESSION:**

An executive session was held at 8:25 p.m. for pending litigation purposes.

**RECONVENE:**

Council reconvened at 8:45 p.m. Mr. Schmidt made a motion that we sign the South Heidelberg Township agreement with one (1) change; that change being the effective date will be 01/01/09 not 01/01/08; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Wenrich requested Mr. Mooney present that agreement to South Heidelberg Township.

**PUBLIC COMMENT:**

No public comment.

**PUBLIC WORK'S DIRECTOR – MICHAEL HART:**

Mr. Hart had two items under unfinished business. The first item stated he received a letter from PA American Water. He spoke with Mr. Brian Hassinger. They agreed to buy the hydrants from us for \$1.00. There are a few items Mr. Hart would like to have taken care of before it comes before Council. The one (1) issue is access to using them. He wanted to make sure if they (fire department) go out for training they will be able to use them. He will be attending the next safety meeting.

The next issue was the Terrace Apartments. Mr. Hart and Mr. Eisenbrown had a meeting with Mr. Grande in the Council Chambers the day before. They reviewed the plan with the changes that were submitted. There is one (1) thing that was suggested and it appears Mr. Grande is going to take the change back and make it. Mr. Hart stated Summit Boulevard will be turned over to us as a public street. There will be no cul-de-sac at the end of the lower section however they are making a long driveway where you can make a three (3) point turn and get out. At the upper section there is no place for them to make a turnaround. It is a 90 foot drop. Mr. Hart suggested taking the buildings and splitting them apart and in the middle put a three (3) point turn turnaround. This would do (2) things. It will give them a turnaround and it would give the fire department room to gain access to the back of the building or just to have a fire break between the two (2) buildings. Mr. Hart stated the next thing he needs to do would be to talk to St. John's Lutheran Church. Part of Summit Boulevard will be going through a small triangular portion of their property. Mr. Hart met with Pastor Bohn and he loved the idea. Mr. Hart must go before the Church Council and propose it to them as well. Mr. Wenrich questioned if Mr. Grande will be reimbursing us for his

**PUBLIC WORK'S DIRECTOR – MICHAEL HART (cont'd):**

time as he is representing Mr. Grande not the Borough. Mr. Hart stated that is not been addressed. Mr. Wenrich stated that he is not representing the Public Works Department or the Borough; he is representing Mr. Grande at this point. Mr. Ludgate stated with all due respect, Mr. Hart would be representing the Borough. The Borough would like to see this street for fire protection and for other safety reasons. So in fact, he is representing the Borough although the private development is the reason for this. In addition, the developer pays a fee, and he feels this cost would be eligible. Mr. Mooney stated we can put his cost right in there. Mr. Wenrich stated until we see as a Council the revision that is planned, he does not feel comfortable with Mr. Hart speaking for them. Mr. Hart stated he was just going to tell them this is what the Borough would like to see and whether they like it or not. Ms. Sloan feels he should go as he is the most knowledgeable. Mr. Wenrich agreed however he is not sure at what capacity he should attend this meeting.

Mr. Mooney stated they are looking for authorization to start preparing the Right To Know Ordinance so it can be presented at next month's meeting. They would like Council to review it. We must comply with the mandated updates by January 1, 2009. Ms. Sloan made a motion to authorize Barley Snyder to update/prepare the Right To Know Ordinance; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. Wenrich stated he spoke to Mr. Brian Hassinger of PA American Water Company. He told Mr. Hassinger to attend the next safety committee meeting. He is aware that the hydrant directly near the fire company is being supplied by a small main. Mr. Hassinger stated that they can't do anything right away but perhaps they could put something in the 2009 or 2010 budget. They appear to want to work with us however their response to hydrants being out of service is unacceptable. He wants to be made aware of that. He is going to be here with his people at that meeting. Mr. Schmidt stated the October meeting has been cancelled due to the fact it is the same date and time as the task force meeting. Mr. Wenrich wanted someone to inform Mr. Hassinger of this.

**TREASURER'S REPORT:**General Account

Opening Balance – September 30, 2008		\$ 132,143.04
PLGIT		8,986.48
Invest	Recreation	49,155.84
	General Invest	303,214.76
	To be Paid	<u>22,387.61</u>
	Total Acct Funds	\$471,112.51

Sewer Account

Opening Balance – September 30, 2008		\$ 59,532.80
PLGIT		60,523.64
Invest	Sewer Revenue	<u>442,696.63</u>
	Total Acct Funds	\$562,753.07

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

**ADJOURNMENT:**

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

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Regina M. Shade, Borough Secretary/Treasurer