

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, October 4, 2007 at 7:30 p.m., at the Sinking Spring Borough Hall, by Vice President James Zerr. After the Pledge to the Flag, Elizabeth White called the roll reflecting the following Council Members present:

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

Other officials present were: Mayor Clarence Noecker; Charles Haws, Borough Solicitor; Michael Hart, Public Works Director, James Oxenreider, Chief of Police, Peter Eisenbrown, Ludgate Engineering, Greg Dietrich, Liberty Fire Company, and Elizabeth White, Administrative Assistant who recorded the minutes of the proceedings.

Mr. Zerr called for a moment of silence after the Pledge to the Flag for a fallen firefighter in Sharon Hill, PA. It is the beginning of Fire Prevention Week.

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

Mr. Butkus had a question regarding the opening of the meeting minutes. Mrs. Kutz could not open them as well. Mr. Butkus stated that Mrs. Shade had resent them however he could not open those as well. Mr. Zerr did not have an issue. Mrs. Kutz had asked Mrs. Shade to make a copy for her. Mr. Zerr asked Mrs. White to look into the matter and see if anything can be done about this. Mr. Butkus had no problem if they wanted to pass them. Mr. Light made a motion to pass the meeting minutes from 9/5/07, 9/6/07, and 9/25/07; however there was no second. It was tabled until everyone gets copies. Mr. Light withdrew his motion.

#### **VISITORS:**

Mrs. Jeanette Dunkelberger of 25 S. Hull Street addressed Council. She is eighty (80) years old, has emphysema and chronic bronchitis. She stated her neighbor insists on burning trash wood. She approached him about it. The fire was about one (1) foot high. He was burning it a ceramic "Spanish" type container. She proceeded to tell him that we could not open burn in the Borough to which the neighbor replied that he had spoken to a police officer and they said it was okay as long as they use one (1) of those type containers. The smell comes in her house. He did stop burning for a while but now he has made an open type pit thing in his yard and he is burning big wood across that. He has a lot of trash. The next time he was burning, his wife was tending it with a rake. Mrs. Dunkelberger called the police and she said Police Chief Oxenreider came up and was talking to them for a long time. She was not sure what the Chief told him but she feels it was that we do not allow burning in the Borough. The next time he used a charcoal burner. He was burning three (3) days; she does not feel he needed it for heat. She feels it is a harassment thing because she reported him. The Fire Marshal was called and he was told not to burn trash. Mrs. Dunkelberger stated she called the Fire Marshal a second time and before the Fire Marshal arrived he got rid of all

**VISITORS (cont'd):**

that trash in his yard. She then called the senior superintendent of the Office of the Aging. She feels this is a public health thing. It was explained to her that each municipality as the option of having a no burning ordinance. She explained what might be in the ordinance. She is requesting that Council put some “teeth” into our ordinance to help her out. Mr. Light said he spoke with Mr. Roth, the Fire Marshal. He was under the impression everything was okay as he explained to them not to burn the old wood. Mr. Light said that Mr. Roth upon going back the second time said he wasn't burning anything illegal – regular wood. He is going to be tying up the old wood and putting it out for collection. Mrs. Dunkelberger stated she was watching him out of her attic window and he was burning cardboard. The pieces were flying all over. Mr. Roth was assured he will no longer burn those types of things. Mr. Light stated it appears there is an argument going on between neighbors. Mr. Zerr stated we visited this last fall with a similar situation. He stated when we looked into this at that time, this type of ordinance if put into effect would regulate charcoal grills and all those types of items as well. Council did not want to stop people from cooking outside if they so choose. Mr. Zerr stated he will take it back to the Safety Committee and see if they have another idea on the matter. Mrs. Dunkelberger stated he was burning trash but by the time the police arrived he was done burning the trash. Mr. Light said we did look into Mrs. Dunkelberger's complaint. Mayor Noecker stated the Fire Marshal and the Chief told him that we not allowed to burn trash just wood. If he is only burning hard wood we can't do anything about the Mayor said. A discussion ensued as to the screens that are over the fire. They are necessary. Chief Oxenreider said the first time they went out, he was burning in a make shift pit. He was made to put it out. He told him it was okay to burn in a chimnea or a screened-in pit. The second time they responded he was told to put a lid on it and cut down the pieces so there would not be that much smoke. Mr. Zerr again stated that it will go to the Safety Committee for review.

**COMMUNICATIONS:**

There were no formal communications.

**APPROVAL OF BILLS:**

Mrs. Kutz questioned a bill for Shur-Fine. It was a bill from the playground. Mrs. Kutz questioned if the girl who signed for it could tell us what it was for. Ms. White stated the girl is at college and she can't reach her. Mr. Light made a motion to pay all the bills; seconded by Mr. Butkus. AYES – 5 NAYS – 0, ABSENT - 2; motion carried.

**MILLER ENVIRONMENTAL REPORT:**

Mr. Lew Christy, who is an Operation Manager with Miller Environmental, gave the following report for September, 2007. Mr. Christy introduced Mr. Peter Juzyk who replaced Mr. Hillibush. The August 2007 DMR was completed and submitted to the PA DEP during the month. There were no violations. Two (2) commercial user permits were issued. The DMR-QA Study 27 results have been received, all lab test have passed. Third quarter oil and grease sampling have been completed. There was a influent data chart presented and explained. The total monthly flow was 15,100,000 gallons – average daily flow – 504,000 gallons – maximum daily flow – 546,000

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

gallons – minimum daily flow – 459,000 gallons, and there were no NPDES violations. They were waiting results. No violations are expected. The percentages of flows for the month were as follows: Sinking Spring (which contains an unmetered portion of Spring Township) – 66.7%, Lower Heidelberg – 25.3%, and South Heidelberg – 8.0%. Total rainfall for the month was .95 inches. The staff completed the routine operation and maintenance duties. They responded to fifteen (15) PA One calls for the month. There was one (1) service call. The staff read the collection meters four (4) times. The staff televised approximately 0 ft. of sanitary sewer main. They flushed approximately 1,104 feet of sewer main. The staff serviced and inspected the collection system bio augmentation meter during the month. Mr. Butkus wanted them to keep the sheet up to date.

**REPORTS OF COMMITTEES AND OFFICES:****POLICE CHIEF REPORT – JAMES OXENREIDER:**

Chief Oxenreider said that Officer Yatsko is out on regular patrol for the month of October. He has finished his regular training. He is doing well. Officer Schweyer is still out on workman's comp and should be returning sometime in November.

**LIBRARY – DENNIS LEIBY:**

Mr. Leiby had nothing new to report.

**BUILDING, STREETS, AND UTILITIES – BRUCE LIGHT:**

Mr. Light had nothing at this time.

**RECREATION – BARBARA KUTZ:**

Mrs. Kutz stated our Christmas Lights have come in.

**MAYOR NOECKER:**

Mayor Noecker had nothing to report.

**LIBERTY FIRE COMPANY – GREG DIETRICH:**

Mr. Dietrich stated they responded to 21 calls for September. There were no major insinences. The upcoming Monday, they have their open house for Fire Prevention Week from 6:30 to 9:00.

**BOROUGH ENGINEER – PETER EISENBROWN:**

He had nothing to report at this time.

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

Mr. Schlott stated that Borough Council asked ARRO to solicit bids for the treatment of roots. They solicited three (3) companies for 4, 696 linear feet of treatment of 8" main with a chemical called Duke's Root Control. It is a foam put into the main which inhibits the growth within the main. They received two (2) quotes; however the second quote was higher and was not the same type chemical. Duke's Treatment's quote was \$5,870.00. ARRO recommends that Council authorize this work to be done. Mr. Butkus made a motion to authorize Duke's Treatment to do the work in round numbers not to exceed \$6,000.00; seconded by Mr. Leiby. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

The next item was for an issue that has arisen in the Brookfield Manor subdivision. Wright-Elliott has submitted a request that would lower their financial security in regards to their 93 tapping fees that needed to be purchased. We received correspondence from the Authority stating that all tapping fees have been paid for that subdivision. Therefore based on that information, ARRO is requesting that the Borough release the financial security that has been posted with the Municipal Improvement's Agreement with regard to tapping fees. Mr. Butkus made this a motion; seconded by Mr. Leiby; AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

**SEWER AND SANITATION – GEORGE BUTKUS:**

Mr. Butkus met with Pete from Lynx and Lew from Miller in regards to the new computer. In addition, they did pick up a new printer. The total price for the two (2) desktops with battery backups, a flat screen, a flatbed scanner, a new color printer, and setting up of security data and other details is \$4,702.00. This in conjunction with the three (3) laptops that were bought prior did not exceed the \$10,000.00 threshold that placed on this.

The bid specs were advertised for trash collection. They are scheduled to be opened.

**PUBLIC WORKS DIRECTOR – MICHAEL HART:**

Mr. Hart said that the Paulo Brutto project has begun.

The Dunkin Donut's project has started as well.

**UNFINISHED BUSINESS:**

Fall cleanup will be Wednesday, October 24, 2007 with regular trash.

Flu clinic will be on Wednesday, October 17<sup>th</sup> from 1:00 p.m. to 4:00 p.m. at the Borough Hall.

A hearing date needed to be set for Traditions. This is a continuation from the other hearing. Mr. Zerr stated the date and time as Tuesday, October 16, 2007, at 7:00 p.m. Mr. Harting said they cancelled the last two (2) meetings and there are still issues that need to be addressed. Mr. Zerr asked what those issues are. Mr. Eisenbrown stated Robert Ludgate, Jr. would be better to address

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

those issues. Mr. Zerr said one (1) of the issues was the traffic control study; and that has come in. He was not aware of anything else. Mr. Harting said he found a flaw on their proposal. He thinks it is an issue that will need to be addressed. He explained his concerns. Mr. Hart said we are not at that point yet. Mr. Hart explained that the land development was/is done first. Then they were to get us the traffic study. We then begin looking at the layout of the building. We aren't there yet. A discussion ensued regarding some fire issues. Mr. Hart stated that he showed the plans to Paul Roth, Fire Marshal, and he has no concerns about anything at this point in time. Mr. Zerr stated they are going to be putting a road in. Mr. Hart stated that Mr. Harting's concern has to do with a courtyard that will be between the buildings. They are going to exit into the courtyard from the one unit for safety and then they will need to go through a hallway to get out totally out of the building. Mr. Harting stated some of his concerns. A discussion ensued. Mr. Zerr stated this is a continuation of a hearing that has already started. Mr. Butkus stated this is only a conditional use hearing. Mr. Harting stated you signed to go to the next step. He insisted we signed papers to go ahead with this. Mr. Hart stated the only papers that were signed were the land plan. This is the hearing we are having. Mr. Leiby stated the only additional testimony is for the traffic study. Mr. Zerr said exactly. Mr. Butkus stated we are having a hearing to allow them to present their plans. We then will be looking at their plans. We need to give approval at the first level. Mr. Harting is afraid that Council will not take Planning Commission's recommendation. Another discussion ensued. Tuesday the 16<sup>th</sup> will be the next meeting date.

**NEW BUSINESS:**

There was no new business.

**PUBLIC COMMENT:**

Someone questioned if we were having a Halloween Parade. Spring Township actually does a Halloween Parade. It is on October 24, 2007. Mr. Zerr thought the parade will be held around 6:00 p.m.

Halloween night will be 10/31/07 from 6 p.m. to 9 p.m.

Someone complained that many cars are crossing over the double white line on 724 so they can make the light. He feels there will be an accident there. He has seen someone as far back as the bridge. Mr. Zerr knows that our officers have cited some of the people. Chief Oxereider feels this will always be a problem. There is some hope when the Corridor project begins next spring that will help with the timing of the lights. Someone questioned why the timing of the lights has changed. Mr. Butkus stated when they began to look into the Corridor project they found that the permit did not agree with the programming. If it was programmed the way the permit said there would be two (2) directions of traffic crossing each other through pedestrian areas. PENNDOT amended their permit and requested the timing be changed. A discussion ensued as to how long the light stays green and what hours they stay green longer. Mr. Butkus authorized Chief Oxenreider to get in touch with Telco and whoever else to check into the timing of the traffic lights; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT -2; motion carried.

**EXECUTIVE SESSION:**

Council went into an executive session at 8:17 p.m. for personnel matters.

**RECONVENE:**

Council reconvened at 9:25 p.m. The issue was addressed.

**GEORGE BUTKUS:**

Mr. Butkus made a motion that we don't reconfirm the hiring of the two (2) new people as no names were given and Council feels that there was not enough information to make this motion to reconfirm them and to pay the people for the hours worked but not continue their employment at this time; seconded by Mrs. Kutz. Mr. Light felt there should be a roll call vote. AYES – 3 (Mrs. Kutz, Mr. Leiby and Mr. Butkus), NAYS – 2 (Mr. Light and Mr. Zerr), ABSENT - 2 (Mr. Wenrich and Mr. Schmidt); motion carried.

**TREASURER'S REPORT:**

General Account

Opening Balance – September 30, 2007		\$	206,358.44
PLGIT			8,596.31
Invest	Recreation		46,867.29
	General Invest		420,967.63
	To Be Paid	\$	<u>159,523.54</u>
		\$	523,266.13

Sewer Account

Opening Balance – September 30, 2007		\$	85,806.44
PLGIT			57,843.82
Invest	Sewer Revenue		467,108.81
	To Be Paid	\$	<u>1,253.02</u>
		\$	609,506.05

Mr. Butkus made a motion to accept the treasurer's report; seconded by Mr. Light. AYES – 5, NAYS – 0, ABSENT - 2; motion carried.

**ADJOURNMENT:**

Mr. Light made a motion to adjourn at 9:28 p.m.

Respectfully submitted,

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Regina M. Shade  
Borough Secretary/Treasurer