

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, October 4, 2012 at 7:00 p.m. at the Sinking Spring Borough Hall by President James A. Pachuillo. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

James Pachuillo
Edward Oswald
George Butkus
Christiana Stallone
Gary Cirulli
Denise Stine
Steven Suruskie (absent)

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

Mr. Pachuillo requested a moment of silence to remember all our fallen heroes and those that are serving this country and our police, fire and ems. He also mentioned that the former mayor Clarence Noecker passed away on September 12th and that he now has a permanent view of the Borough from his resting place on top of the hill. He asked that everyone keep Mr. Noecker's family in their prayers.

APPROVAL OF MINUTES:

Mrs. Stine made a motion to approve the meeting minutes from 9/6/12 seconded by Mr. Cirulli. AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

VISITORS:

Mrs. Lisa Gantner and Mrs. Tracy Peterson addressed Council and gave a summary of how the playground season went. Mrs. Gantner stated that there were 113 resident children and 13 non-resident children that signed up for a total of \$3,600.00 in registration fees collected. She mentioned that the registration fees included a t-shirt. She stated that they did not have exact numbers from last year, but the forms they found showed 78 children so she believes the fee did not deter anyone from attending. She stated that it worked well to have the six (6) full time leaders and two (2) part-time leaders. She stated that she wants to make sure they have everything they need for next year and asked that Council let her know if they missed keeping track of anything. Mr. Pachuillo stated that since everything happened the way it did this year we should have a pretty good gauge for next year and make standardized spread sheets. Mrs. Gantner stated that they had given evaluation forms to the children to have their parents fill out but they didn't get many back because it stormed the last few days of the season.

Mrs. Gantner mentioned that one of the main concerns that they got from parents was why they don't keep track of who's at the playground. Mr. Pachuillo stated that maybe we could come

VISITORS: (cont.)

up with something for next year during the committee meetings that would not cause legal issues. Mrs. Stallone stated that she would like the hiring process to start earlier next year. Mr. Butkus stated that he would like letters to go out to the leaders from this year to see if they are interested in coming back next year and he would like them to go out in January.

Mrs. Stallone thanked the Rec. Board for their service this past year.

Mrs. Peterson went over the expenses for the past playground season. She stated that it cost about \$11,000.00 to run the summer program this year. She stated that they were down on the salaries this year and were under budget. Mrs. Gantner mentioned there are a few items that they would like to get for next year like a hot dog roller for each playground, a box hockey for the Brookfield playground which Mr. Hart's guys can make, storage containers and shelving.

COMMUNICATIONS:

There were no communications.

APPROVAL OF THE BILLS:

Mr. Oswald made a motion to pay the bills; seconded by Mrs. Stine, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Pachuillo stated that we don't have a representative here from Western Birks Fire Department tonight but their report should be in the binders for everyone to look over.

MILLER ENVIRONMENTAL:

Mr. Juzyk gave the report for September 2012. There was nothing unusual with the flows and there were no NPDES violations. He mentioned that, throughout the month, they tried to concentrate a lot of efforts within the plant. He stated that they took care of some repairs, some fabrications. He stated that they performed the annual biosolids quality sampling for the beneficial reuse permit.

Mr. Juzyk noted that the August DMR had a sampling frequency violation which occurred due to an accident by the contract laboratory on August 27 which was not reported until September 18th. He stated that he reported it to DEP inspector who was very understanding and told Mr. Juzyk to include the communication with the DMR then they will be aware that it was an issue with the contract lab and not on our end.

MILLER ENVIRONMENTAL: (Cont.)

Mr. Juzyk also reported that they are still repairing equipment that was damaged by the lightning strike on September 4th and that he has been working with the claims adjuster and submitting invoices both to Mrs. Shade for payment and to the claims adjuster for them to review.

SEWER ENGINEER – ARRO CONSULTING – DAVID M. SCHLOTT, JR.:

Mr. Schlott stated that he has the PPC Plan which needs to be signed by the Borough and then it can be distributed. He also mentioned that he needed signatures from the Council President for the contracts associated with the sewer repairs that was authorized at the last meeting.

Mr. Pachuillo asked if the Tomcat Café ever did what they needed to do. Mr. Schlott stated that he received an e-mail from Mr. Juzyk on that and the work was supposed to be done this week.

Mr. Oswald mentioned that they are trying to streamline the sewer report so that it is not so long. He stated that everyone should look over the sewer report at the beginning of the meeting and be prepared to ask any questions when they come up. Mr. Pachuillo asked if the reports could be e-mailed the day before the meeting so Council could look over them before the meeting. Mrs. Shade stated that if the reports come early then we could do that.

Mr. Butkus made a motion to authorize the signing and the final implementation of the PPC Plan; seconded by Mrs. Stallone, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

Mr. Butkus made a motion to authorize execution of the repair and televising contract documents as approved last month; seconded by Mr. Oswald, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried. Mr. Pachuillo asked if that work will start shortly. Mr. Schlott stated that they have to issue a notice to proceed which starts their clock to get the work done and then we have a pre-construction meeting and then they start working.

REVITALIZATION PROJECT:

Mr. Ludgate mentioned that their meetings are the third Thursday of each month and at last week's meeting they discussed several things. The first was what the strategy for BOSS2020 should be for 2013. He stated that one issue he is concerned about is getting the support of our other municipalities in the 222/422 corridor. He stated that he would like Council to authorize him to go to the other municipalities and ask for their support of our project. Mrs. Stallone made a motion to allow Mr. Ludgate to go to the other municipalities to ask for their support; seconded by Mr. Oswald, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

Mr. Ludgate stated that the second is that BOSS2020 is trying to start a business group in the borough. He stated that they have a list of 100 businesses in the borough and that they are making contacts and trying to get the group organized.

REVITALIZATION PROJECT: (Cont.)

Mr. Ludgate mentioned that the third issue, which he stated is the most exciting to him, is that about six weeks ago Mr. Mease, Mr. Loth and himself met with Rep. Jim Cox. He stated that Mr. Cox was involved in the private/public partnership legislation that was recently passed in the Pennsylvania legislature. He stated that during the meeting they presented an idea for a potential public/private partnership to work in Sinking Spring on our particular downtown traffic congestion improvements. He stated that Mr. Cox liked the idea and asked if they could get a meeting with PennDOT Secretary Shock. He stated that they had a meeting in Harrisburg about a week ago and the idea they presented was favorably received and they have now been given the opportunity to work with one of Secretary Shock's deputies on dealing with how we might fit or do some alterations or otherwise enhance the P3 legislative process.

Mr. Ludgate also mentioned that BOSS2020 adopted a resolution to take membership in the Chamber of Commerce Transportation Committee. He stated that they will then become co-sponsors of a breakfast to take place on Feb. 26, 2013. He stated that there is a Transportation luncheon and Secretary Shock will be the principal speaker. He stated that Secretary Shock, as well as everyone at PennDOT, said "we don't have any money" but it is important to recognize that it is a condition of today. He stated that he does not expect the Downtown Improvements to get built today or tomorrow but he thinks the next round of funding will take place in 2015/2016. He believes that having the local initiative and a private share so PennDOT money is multiplied. Mr. Ludgate urged everyone to make a note of the date, Feb. 26, 2013. He stated that a good showing from the Borough of Sinking Spring would be helpful.

UNFINISHED BUSINESS:

Mr. Pachuillo stated that the first item is the Bulk Cleanup which is scheduled for next Wednesday, October 10, 2012. Mr. Butkus went over items that may not be put out. Mr. Pachuillo asked what the rules are for TV's. Mr. Butkus stated that the trash truck will not take it, but if you put it out someone else might take it. Mr. Cirulli mentioned that there was just something on the news about that and that in 2013 you will not be able to put TV's out due to what is inside them. Mr. Butkus stated that there is concern about the lead and some of the elements and heavy metals in them. He stated that the County Solid Waste Authority has a lot of resources.

Mr. Pachuillo mentioned that with this being our last bulk cleanup and a new trash contract taking effect in January we should try to get some information out to our residents on the changes for 2013 and what that is going to mean to them about what they can and cannot put out on a weekly basis. Mr. Pachuillo asked if we could do a mailer. Mr. Butkus stated that we could tack a little bit on over the next few sewer bills. Mr. Oswald stated that we could put it on the web site and advertise in the News Paper. Mrs. Shade suggested that they wait until the end of the year to put anything in the paper because people will start putting bulk items out right away.

The next item is the Budget. Mr. Pachuillo asked if the Finance Committee has started working on it. Mrs. Stallone stated that she has been in contact with Mrs. Shade and they will be planning a meeting with the others. Mr. Pachuillo mentioned that it is sixty (60) days from now that

UNFINISHED BUSINESS: (Cont.)

we have to vote so he would like them to meet to discuss things even if it is only one or two of them meeting with Mrs. Shade or Mr. Hart or Chief Schweyer just to get things moving. Mrs. Stallone stated that they have been talking and waiting for department heads to get back to them with what they want. She also mentioned that they are on the Police Contract. Mr. Pachuillo stated that he understands that and mentioned that a Budget is a Budget and we know it is never written in stone as to what gets spent so we can just start plugging numbers in and when we find out about the contract then we can add those numbers in. Mr. Oswald asked if we could not take money out of line items this year because it is just numbers on a paper and it is putting us over budget. He stated that we should trust Mrs. Shade and everyone else to know how much they are going to spend and not play with those numbers. Mr. Haws wanted to make sure that everyone is aware of the process and suggested that they get the budget together because once it is approved by Council it needs to sit for ten (10) days and get run in the paper for comment from the public. He stated that if we wait to approve in at the December meeting really we need to have it approved either for the Workshop at the end of this month or a month from now if we could approve it to advertise because we won't have enough time if we wait to approve it at the Workshop next month. Mr. Oswald suggested that they use the October Workshop meeting to try to get the budget out well before December. Mr. Butkus stated that in other years they scheduled Budget Workshop meetings so that was all that was discussed.

Mr. Butkus suggested that all of the committees, between now and the Workshop meeting sit and go over the actual Budget vs. Actual report that is with the treasurer's report and look at what was budgeted and what was spent. Discussion ensued.

Mr. Pachuillo summarized that the Budget Committee will meet with Mrs. Shade so that they can have a better understanding of how it all works and then we will make a note that the October Workshop meeting will primarily all budget stuff. Mr. Butkus suggested that they also set other Budget dates now. Mr. Oswald agreed. Discussion ensued as to dates. It was decided that there will be a Budget Workshop meeting on Monday November 12, 2012 at 7:00 pm.

The next item is the Trash Contract Signature. Mr. Pachuillo will sign the Contract.

NEW BUSINESS:

Mrs. Stine stated that there will be a test of the Code Red System on October 9, 2012.

Chief Schweyer stated that he received a letter from Karen Weber of 28 Evans Avenue requesting a handicapped sign be placed in front of her residence. He stated that she does have a proper handicapped placard issued from the Department of Transportation. Mr. Butkus made a motion to have Mr. Hart coordinate placing the sign; seconded by Mr. Cirulli, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

Chief Schweyer stated that Officer Church was hired on March 12, 2012 and that his six (6) month probation was up on September 12, 2012. He stated that he and the mayor gave Officer Church a review which he passed. Chief Schweyer recommended that Officer Church, per the

NEW BUSINESS: (Cont.)

collective bargaining agreement, now be certified as a Class III Patrolman effective September 12, 2012 with an hourly rate of \$24.25. Motion was made by Mrs. Stine; seconded by Mrs. Stallone, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

Chief Schweyer also mentioned that there is a link on their website for the new crime mapping.

Mr. Oswald mentioned that the Nextel system will be shutting down in June of 2013. He stated that he wanted to get the process started well in advance and give Mrs. Shade the authority to look other places for new phones. He stated that the Direct Connect usage has significantly decreased in the last year. Mr. Oswald made a motion to authorize Mrs. Shade to begin looking at a new phone service plan and doing the best thing that she thinks will best serve the employees and the management of the Borough; seconded by Mr. Cirulli, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

EXECUTIVE SESSION:

Council went into an executive session at 8:15 p.m. for personnel issues.

RECONVENE:

Council reconvened at 8:40 p.m.

Mr. Pachuillo stated that no action will be taken on the personnel issue.

Mr. Oswald stated that we have some action to be taken. He stated that several Council members have been talking for a long time about this and it is time to make it happen. He stated that we need to start making the management of this Borough work correctly. Mr. Oswald made a motion to direct the solicitor to start working on creating the position of Borough Manager within the Borough of Sinking Spring; seconded by Mrs. Stallone, AYES – 5, NAYS – 1 (Mr. Butkus), ABSENT – 1 (Mr. Suruskie); motion carried. Mr. Pachuillo stated that we will work on the Ordinance and the job description as it applies to this Borough. Mr. Oswald stated that he has a model Ordinance which he tried to take into account the various opinions of people on Council and he will send it to Mr. Haws. He stated that Mr. Haws looked at it already and stated that it was pretty much a model Ordinance. He stated that it gives Council a little more power than a Borough Manager Ordinance usually has. Mr. Butkus asked that Mr. Oswald re-forward it to all of Council to which Mr. Oswald stated he would. Mr. Haws stated that he gave it a very quick review because he was not instructed by Council but he didn't want to blow anybody off.

ROBERT LUDGATE SR:

Mr. Ludgate stated that he had three items. First; Terraces had requested an escrow release. He stated that Mr. Schlott had an issue with the amount requested for sewer so the request was reduced. Mr. Schlott stated they requested roughly \$56,000.00 be released from escrow for the

ROBERT LUDGATE SR: (Cont.)

sewer section. He stated that they recommended that some of it be withheld due to missing manhole covers and no compaction testing was done that he was aware of. He stated that ARRO is recommending that \$7,546.00 be withheld. He stated that the total amount for sewer that would be recommended for release is \$48,042.50. Mr. Ludgate stated that when you combine that with the civil construction then we are recommending a release of \$144,679.93. Mr. Pachuillo asked for a motion to approve the Terrace escrow release of \$144,679.93. Mrs. Stine made the motion; seconded by Mr. Butkus. Mr. Haws asked Mr. Ludgate if that took into account the stability analysis on the rock face. Mr. Ludgate said no and stated that the rock face issues is the second issue really and stated that we have told them that we are concerned about the rock face. He stated that we have received a letter from Fred Grande covering a letter from their engineering firm which Mr. Grande said addressed the issue, but it did not because the engineers letter had several caveats that are pointed out in a reply. Mr. Pachuillo stated that we have a motion and a second, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

Mr. Ludgate stated that the second item is a request from Durbon who is successor, we believe, to JDH which in turn was the developer but the actual surety agreement was filed under some LLC. He stated that they are satisfied that the maintenance period has cleared and there are no maintenance issues on the road but he thinks before there is a release to Durbon we have to resolve the difference between the name on the surety and the name that is requesting the release. Mr. Haws stated that there are two different LLC's so the security is up by Sinking Spring Retail LLC and the request came in from a different LLC. He stated that they are separate legal entities and he did not understand the request so he pushed it back. They came back with see our press release we are now the manager for the other LLC. He stated that he would recommend releasing the liability. Mrs. Shade asked if she should mail the bond back to Durbon. Mr. Haws stated that was their request. Mrs. Shade stated that she never saw the request originally and that it went to Mr. Hart. She stated that she would get the letter from Mr. Hart and do what is requested in the letter. Mr. Butkus made a motion to authorize Mr. Haws to coordinate with the office staff to get the appropriate LLC released as requested, seconded by Mrs. Stallone, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

Mr. Ludgate stated that he had one other issue. He stated that the TIP (Traffic Improvement Plan) for RATS (Reading Area Transportation Study) has the resurfacing of Route 422 through the Borough and westward is on the schedule for 2013, 2014 and 2015. He stated that we also have our safety improvement project for the same area so he wants to coordinate with that resurfacing project. He stated that he intends to make contact with PennDOT and see whether they are actually going to do this section in 2013 or if they are going to save us for 2015. He mentioned that on this same issue we have finally received a response to plans that we submitted some time ago to PennDOT for that construction and we do have a review letter now and we have some more work to do. But within that one of the things that has come up now, apparently PennDOT has changed the sign manual so now they are requiring as part of this project that we replace all of the signs on Penn Avenue in that safety improvement area. He stated that since they are funding the project he would like to submit a request for increased funding to cover replacing all of the signs. Mr. Ludgate asked for Council's authorization to pursue that. Council agreed.

SEWER ENGINEER – ARRO CONSULTING – DAVID M. SCHLOTT, JR:

Mr. Schlott mentioned that with the Sewer Specialty work going on it might be a good idea to put something on the website that Sewer Specialty is going to be doing repairs to the sewer system because people might see these trucks sitting outside their houses and that way they will be aware that there is work going on. Mrs. Shade asked when they will be starting. Mr. Schlott stated he will let us know.

COUNCILWOMAN STINE – LIBRARY:

Mrs. Stine mentioned that the circulation for the Library for the month of September; adults 3597 items; juvenile 2310 items for a total of 5907. She stated that there were 3010 people through the Library in September. She mentioned that the week of October 15th is teen week, and on Tuesday October 16th they are going to be bringing in a truck that takes up about five parking spaces that is going to have all kinds of video games inside for teenagers. She stated that they want to know where to park the truck. Mr. Cirulli stated that they could park it right out back. Mr. Butkus suggested that they defer it to Mr. Hart and Chief Schweyer to coordinate with the Library. Mrs. Stine stated that it is from 5:30 to 7:30.

REGINA SHADE – BOROUGH SECRETARY/TREASURER:

Mrs. Shade mentioned that she had a request from Mrs. Parks of the Library asking for all of Council's e-mail addresses. She stated that Council will be receiving invites from the Library to attend an open house at 6:30 on October 24th right before the Workshop meeting and they asked if everyone could RSVP so they know how many people are planning on attending.

COUNCILMAN CIRULLI:

Mr. Cirulli stated that on behalf of him and the Pagerly family they want to extend their gratitude for the dedication of the Kyle Pagerly Memorial Highway which was dedicated a couple weeks ago. He wanted to thank the Sinking Spring Police Department and everyone that showed up. He thanked Mr. Pachulo for his speech. He also mentioned that Jynx goes to Hollywood tomorrow morning for the Dog Hero Award to see if he won.

TREASURER'S REPORT:**General Account**

Opening Balance – August 31, 2012		\$385,663.39
PLGIT		9,116.23
Invest	Recreation	40,180.52
	General	64,254.60
McDonald's Escrow		4,001.24
Buckeye Escrow		87,714.58

100 th Anniversary Acct.	5,000.00
Fleetwood Bank Acct.	4,246.15
Deposits as of September 30, 2012	221,398.68
Checks Written	208,061.76
Payroll	74,120.17
PENNVEST auto debit	2,785.50
To be Paid	<u>133,190.92</u>
Balance as of October 4, 2012	\$403,417.04

Sewer Account

Opening Balance – August 31, 2012	\$958,374.27
PLGIT	61,413.89
Invest	322,578.05
Deposits as of September 30, 2012	96,640.41
Checks Written	66,258.11
PENNVEST auto debit	15,243.07
To be Paid	<u>57,734.42</u>
Balance as of October 4, 2012	\$1,299,656.02

Mr. Butkus made a motion to accept the Treasurer’s Report; seconded by Mrs. Stallone, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

EXECUTIVE SESSION:

Council went into an executive session at 8:57 p.m. regarding pending litigation.

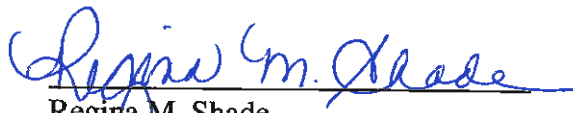
RECONVENE:

Council reconvened at 9:00 p.m.

Mr. Pachulo mentioned that there has been ongoing litigation with a property that was located at the corner of Penn Avenue and Queen Street. Mr. Butkus made a motion to pay the amount of \$82,484.74 to William and Donna Nitka and their attorney Roland Stock LLC regarding their former property at the corner of Queen Street and Penn Avenue to settle the difference in amounts, seconded by Mr. Cirulli, AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Suruskie); motion carried.

Mrs. Stallone made a motion to adjourn the meeting at 9:02 p.m.

Respectfully submitted,


 Regina M. Shade
 Borough Secretary/Treasurer