

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, November 5, 2009 at 7:00 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
James Zerr
Elizabeth Sloan (absent)

Other officials present were: Mayor Clarence Noecker, Charles Fitzpatrick, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, David Schlott, ARRO Consulting, James Oxenreider, Police Chief, and Regina Shade, Secretary/Treasurer, who recorded the minutes of the proceeding.

Mr. Wenrich requested a moment of silence for our armed services, police and fire departments along for the loved ones affected by the massacre at Fort Hood that afternoon.

PA STATE ASSOCIATION OF MAYORS:

The Mayor was unable to attend the State Conference of Mayors. The Mayors Association bestowed a Resolution and plaque to Clarence J. Noecker. Mr. Wenrich read the plaque. The Mayor received a standing ovation.

APPROVAL OF MINUTES:

Mr. Light made a motion to approve the minutes from the October 7 meeting; seconded by Mrs. Kutz. AYES – 6, NAYS – 0, ABSENT - 1 (Ms. Sloan)

VISITORS:

There were no visitors

COMMUNICATIONS:

There were no communications.

APPROVAL OF BILLS:

Mr. Light made a motion to pay the bills; seconded by Mr. Schmidt. AYES -6, NAYS – 0, ABSENT - 1; motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Greg Dietrich of the Western Berks Fire Department gave the report. A report was in their binders. For the past month there were 49 calls. There was an average of about 10 people per call. The most calls for the month were in the Borough of Sinking Spring followed by Lower Heidelberg Township. The position for Fire Commissioner was advertised the past Sunday in the newspaper. It is going well. Mr. Fitzpatrick asked if a compensation package was put together for the Commissioner to which Mr. Dietrich said he was not directly involved with that. The Relief organization is moving along and should be established by the end of the year. Mr. Zerr asked the status on the ladder truck. Mr. Dietrich said we have had some issues. There were some broken items. They have put some preventative maintenance procedures in place to head off some of these types of things. Mr. Zerr asked if there is going to be any other problems since there were issues with the axels and springs to which Mr. Dietrich said there were no indications of any. A brief discussion ensued. They are taking some steps to prevent this type of thing from happening again. Mr. Zerr asked if the Attack was out of service permanently. The answer was yes.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the report for October, 2009. The primary digester was taken out of service on September 21st to October 25th due to work by the contractor. The trailer jet that was taken to Jet Vac, Inc. is still in the shop. They are having some problems with parts. This has been out of service since August and has put them behind in flushing and televising. Two (2) of Miller's personnel were sent to a NASSCO Pipeline Assessment and Manhole Assessment Certification Program to improve the quality of sewer inspections. They met with a representative of a chemical company and they performed jar testing for phosphorus removal on October 29th. They are looking at using aluminum chloride for the removal. They received updated quotes for spare clarifier parts. Two complete sets of spares would cost \$7,396.00. Mr. Butkus said do we want Mr. Juzyk to order both sets right now or order one (1) now and order the second set next year? These units will not be replaced in the upgrade. Mr. Schmidt questioned how often do you take the clarifiers down? Mr. Juzyk said about once every other year. Mr. Schmidt said we could probably postpone the purchase of the second set till next year because money is tight this year. The budget is going to be tight enough unless this is an absolute necessity. A brief discussion ensued. Mr. Butkus made a motion to authorize Mr. Juzyk to order one (1) set of spare parts for the two (2) clarifiers at a cost not to exceed \$4,000.00; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The total monthly flow was 17,431,000 gallons. The average daily flow was 562,000 gallons. The total rainfall was 6.40 inches. The contribution by municipality was Sinking Spring – 71.0%, Lower Heidelberg – 20.7%, and South Heidelberg – 8.3%. An information session was scheduled for mainly restaurants to explain what the numbers and findings mean. The meeting is November 12th at 2:00 p.m. here at the Borough Hall.

UNFINISHED BUSINESS:

The Borough Holiday Open House is Wednesday, December 2, 2009 from 7:00 p.m. till 9:00 p.m. Santa Claus will arrive by fire truck.

The next item on the agenda was the nepotism ordinance. Mr. Fitzpatrick has drafted

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an Ordinance based on the Ordinance Mr. Butkus had submitted with some revisions and/or modifications. The first was to define exactly what constitutes the term family member. There were some formatting changes. Ms. Sloan found it acceptable however she was not there that evening. Mr. Butkus said at this point he was wondering if Council wanted to consider this and advertise it or not. This stems from various members of the public coming to him with concerns of the possible appearance of impropriety about the way we treat our staff or the appearance of favoritism and this was geared to hopefully reduce and prevent this as much as possible. Mr. Schmidt questioned if we could discuss this to which Mr. Fitzpatrick said we could. Mr. Schmidt started out by congratulating all the people who won the election. He said being in government at this time is very tough; he continued that they have their work cut out for them. He will support them in every way he can. However something was brought to his attention which really upset him. He did not have a copy however Mr. Light had a copy of something that was posted on a Reading Eagle blog. It was written by someone from the Borough. It began by saying that "Ms. Regina Shade got her job by a relative in the Borough; people should be angry about that. Secondly the Borough is getting money off the redevelopment for a total of \$1,000,000.00." He continued reading. The last few sentences were "this Borough tells tall stories and to their end they benefit. There would be no need for a tax increase if they probably didn't get a salary or hire people that our relatives. People are out of work. I am sure they would like to take the position that Ms. Regina Shade should vacate in light of the fact that she only got her job because she is a relative." Mr. Schmidt stated loudly "this totally upset me." He went on to say, he requested Mrs. Shade to get all the minutes of the previous meetings. He asked Mrs. Shade to tell them when she hired. Mr. Ed Oswald said he also requested the same information and he had it right there. Mr. Oswald said Mrs. Shade was here first, March of 2000, and then Mr. Schmidt was placed on Council in July of 2001, and Mrs. Schmidt won her seat in 2002. Mr. Oswald said he is very disappointed that a member of our community would put something like this out there. Mr. Jim Adams asked if the letter was signed. Mr. George Butkus said it was in accurate. Mr. Zerr said what upsets him is that they don't have the guts to sign it. Mr. Schmidt said this borders on slander and he thinks we should be able to stop that as this is just not true. If people are reading this and thinking it is true, Mr. Oswald said it is destroying the Borough. Mr. Schmidt read the second comment which was even harder to understand than the first one. He read that blurb. It stated that Mr. Ludgate was related to Judge Ludgate through marriage. In addition, he has his son working for him and he goes to the meetings. He encouraged people to go to the meetings and see what exactly is going on. Most of it they make up and since no one attends they get away with our hard earned money. Mr. Schmidt continued reading the blog. Mr. Schmidt said he has been on Council for a long, long time and he has done as much as possible to keep the costs down. Mr. Schmidt went on to say for someone to write something like that and not even have the guts to sign his or her name to it is offensive at the very least. If you are going to write something like that then be man or woman enough to sign your name to it, he continued. Mr. Wenrich said and to make sure you have the documentation to back up your comments. Mr. Light agreed. It is a blow to all of Council and the sale of Boscov's was just the boost this Borough needs, Mr. Light went on to say. Mr. Wenrich said this is the problem you have when one (1) grossly misinformed person is spreading this stuff throughout the entire Borough. This Council and the future Council can do so much good however the rank and file resident only hears the negativity of it. That upsets Mr. Wenrich as well. They have tried to make great strides. He said our sewer rates did go up 114% however they failed to mention that we have

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and still do have one of the lowest sewer rates in the County. That doesn't come out. When they look at their sewer bill that includes trash as well. Where else can you flush a toilet for less than a dollar a day and still be in compliance? Mr. Schmidt explained to Mr. Butkus that in essence he agrees with Mr. Butkus however he will vote against it. He feels if we pay attention to the job we were elected to do we don't need an ordinance like that. He went on to say that is only his opinion. Mr. Butkus stated that everything that was stated in that first letter is inaccurate as far as he knows; it is completely inaccurate. He went on to say he couldn't completely follow the second one to which Mr. Schmidt agreed. Mr. Butkus said it wasn't one (1) or two (2) residents that came to him and again this would not affect how the current staff was hired. Mrs. Shade was hired before Mr. Schmidt was elected as was Mr. Zerr, Mr. Butkus said. Mr. Schmidt understands. Mr. Wenrich said 80% of the Ordinance he agrees with but we are a small town Borough. We have a hard enough time to find Councilpeople and to find interested citizens to become active and this is narrowing the field, Mr. Wenrich said. Mr. Butkus questioned how this was doing that. Mr. Wenrich said he is on Council and if he had a son and his son came for a secretarial position and he was the most qualified for that job, would he be denied that position. Mr. Butkus said as it is written, yes. Mr. Wenrich feels that is unfair. Mr. Zerr said it is unfair. That is being discriminatory. If you have a candidate that scores well but because he has a relative sitting on Council he can't have gainful employment isn't that discrimination. Mr. Zerr said we advertise as an equal opportunity employer. Mr. Fitzpatrick stated we exempted out testing. This does not apply to civil service employees. Mr. Fitzpatrick said this is for the hiring of a related employee who is not subject to testing. Mr. Wenrich said an employee is an employee; civil service only falls into play when it comes to the police department. Mr. Wenrich goes along with the evaluations, having Council involved with the evaluations but he has a problem with the rest. Mr. Zerr said he can't understand why we have to do this. There are seven (7) members on Council. If someone feels very strongly about hiring a relative then that Council has the right to say what it is and not hire them. You don't need an ordinance to do that. Mrs. Kutz said it would clear the air for the public as she hears it too. So and so works there, her dad does this her mom does that, these are things Mrs. Kutz hears. Mrs. Kutz went on to say there are a lot of people in the real world that she is sure we wouldn't have a problem finding people to fill a job. Mr. Wenrich said if they want to question her mother is tax collector she just ran unopposed. Mrs. Kutz said right. Mr. Zerr said she was hired before any of the others were around. Mrs. Kutz said this does not reflect on Mrs. Shade as she is grandfathered. Mr. Zerr said this revolves around Regina and Matt, he hears it all the time. Mr. Butkus said he doesn't know that it actually does because he heard from four (4) various residents at different locations in the Borough that we have a new position possibly open in the Borough whose relative wants the job? Mr. Zerr and Mr. Light would like to hear from those four (4) people. Mr. Wenrich said our pool of people of 1.1 square mile, if the person is qualified why would we exclude them because of someone they know is on Council. Mrs. Denise Stine said if you are on Council and your son, daughter, or whoever was going to be hired you would abstain from that vote. Mr. Wenrich said that was correct. Mr. Zerr said he can't vote for anything that has to do with his son. Mr. Wenrich stated this goes back to the nepotism of some residents that don't understand, don't attend meetings don't know there are fail safes in place to take care of that. Mr. Wenrich again stated he agreed with the evaluation process, the review process but he can't agree on the nepotism. Mr. Oswald said it is kind of ironic, he came in to look at the Borough Code and when he opened up the front cover it was signed by a relative of someone on Council. We are a small Borough, we are going to eliminate good people; we advertise for positions. If these people that want these jobs

UNFINISHED BUSINESS (cont'd):

and don't apply we can't force them into taking them. Mr. Oswald said if Council sees there could be a potential it is their obligation to vote it down to which Mr. Wenrich agreed. One (1) vote does not get the person their job or keep their job. It is Council as a whole. Everyone is entitled to their opinion. Mr. Zerr stated that most of the Boroughs and even the County of Berks over the past fifty (50) years has hired friends and relatives. That is how you get hired by the County. If you talk to them that is where they get their best employees; from people they know; people that care about the County, about the Borough; they will do a good job for the Borough. He too agrees with Mr. Wenrich, he agrees with some of the stuff in there but not all of it. Mr. Adams said you might as well look at the scribbling on a men's restroom at a bar; this unsigned allegation, it is BS, there are seven (7) of you if any of you vote for one of your siblings, children, whatever and if you don't abstain yourself, you should be subject to criticism but this is BS, just throw the thing out and don't even vote on it. This is a small Borough. He thanked Council for serving. Mr. Adams again said to throw the damn thing out and move on. Mr. Butkus made a motion to instruct the Solicitor to advertise the Ordinance as he corrected it; seconded by Mrs. Kutz. Mr. Wenrich asked for a roll call vote. AYES – 2 (Mr. Butkus and Mrs. Kutz), NAYS – 4, ABSENT – 1; motion failed.

There will be no workshop meeting in November however there will be a budget workshop meeting on Wednesday, November 18th at 7:00 p.m. and it is open to the public.

The next item was the Western Berks Ambulance. Council will need to come to some type of conclusion with this issue. The Borough must make the decision to join as a whole or turn it down and remain the way we are. Mr. Schmidt said South Heidelberg and Spring Township appear to be joining as well as Wyomissing. Mr. Wenrich asked for the cost figures. Mrs. Shade stated they would like us to contribute roughly 48,000.00. They are asking for \$30 per household. Mrs. Shade said instead of doing it on a per capita basis she would like to see it done on the assessed value; doing it on the assessed value will make it more fair as the businesses would also be paying for this service not only the residents. Mrs. Shade said it would come to be .00025 which would give us about \$54,000. That would be more than enough to cover those that did not pay at all and it would take into account when people pay in the discount period as well. Mrs. Kutz said if we pay this then when the individual at home gets a bill, they must pay that too to which everyone said no. They don't need to pay anything to them. A brief discussion ensued. Mr. Schmidt said the bulk of the Borough probably will make out better than those that live in newer developments. Mrs. Shade said this would be the only way of having the businesses contribute as well. A brief discussion ensued. Mr. Zerr said that they get paid over \$1000 from each insurance company and then they still send you a bill and threaten to take you to the collection agency because they didn't get their money. Mr. Zerr said the people that live in these apartment buildings are getting a free ride again. They get a free ride on the fire tax and they would get a free ride with this as well. Mr. Dennis Leiby said to put it on the per capita tax and then you get everybody. Mr. Zerr said just like what happens all the time, it doesn't get paid because people come and go and no one knows who is living there. Mr. Fitzpatrick said you can't charge a \$30 per capita tax. Mr. Francis Butkus asked if this was a charge per year to which Mr. Schmidt said yes. He then asked if this must be negotiated every year. Mr. Schmidt believes it is for three (3) years. Everybody in the Borough is covered as well as the businesses. Mr. Schmidt said it is a tough one -a very hard decision to make. Mr. Fitzpatrick questioned if they presented an agreement to us. There was some discussion as to whether an agreement was sent out. Mr. Wenrich questioned when must we act on this by? Mr.

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Schmidt said by the end of the year. He also asked Mrs. Shade if there is another meeting regarding this to which she stated she did not believe so. Mr. Schmidt asked Mrs. Shade to get in contact with the ambulance to see if an actual agreement has been written up. Mr. Wenrich suggested we table this till we get a better “grip” on this. Mr. Wenrich said that Mr. Zerr brought up a valid point about the tenants perhaps getting away without paying. Mrs. Shade stated that was one of the reasons for it to be on the assessed value as the owner of the property will be responsible for paying that tax; he then can pass that on to his tenants but we know for sure it has been paid. Mr. Zerr stated they still don't pay as much as a resident does based on the number of people. Mr. Zerr went on to say that he can pass that off on more people cause more people live in the apartments. Mrs. Shade said but it is based on the value of the property. It would be the same for a business. If someone needs an ambulance at a business the owner of record of that business will be paying that charge. Mr. Butkus questioned if some of the neighboring municipalities agreed to go along with this with the stipulation that an advisory type board be set up. Mr. Schmidt said yes. They will oversee the operations and try to find better ways to do things. They will not be directly involved with the Western Berks Ambulance operations. Mr. Butkus questioned if we have any numbers from them on exactly how many residents belong to it. Mr. Schmidt said it was pretty low. The item was tabled for further discussion. Mr. Oswald stated he has spoken to numerous residents in the Brookfield Manor area and they are not happy with this. They feel like they are being overtaxed. This was tabled until the budget meeting.

The next item on the agenda was the JDH Corporation. There were a number of documents that needed to be signed that were discussed at prior meetings. The one (1) document which is the normal developer's agreement which customarily requires a letter of credit, in this case the developer is going to be posting a performance bond so there is a wording change in the documents. Mr. Butkus asked what the difference between a performance bond and a letter of credit. A letter of credit is from the bank stating that basically you have a line of credit. A bonding company is really a substitute for the bank saying in the event they fail to install their improvements the bonding company has xxx amount of money for that purpose. The Municipal Planning Code provides for both of these types of securities, Mr. Fitzpatrick stated. Mr. Zerr made the motion to give JDH Corporation the option of using either a letter of credit or a performance bond; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The amounts will be the same whether it is a performance bond or a letter of credit. Mr. Wenrich stated we shall be getting a Food Lion at the old Boscov site. We welcome everyone and wish them well. The name of the project is now Spring Market.

The next item was the Telco agreement for the traffic lights. Mr. Zerr stated back in August all the municipalities got together and put a bid out for traffic signal maintenance agreement. We received the bids. Our cost is \$473.40 per year. It is based on the number of traffic lights in each municipality. This is a savings to us. He feels strongly that we should enter into this agreement with Telco for the next three (3) years. Mr. Zerr made a motion to join into the agreement with Telco for the maintenance on the traffic lights; seconded by Mr. Butkus. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

NEW BUSINESS:

The first item was the scheduling of the meeting dates for 2010. Mrs. Shade stated all dates remained the same. Council meets the first Thursday at 7:00 p.m. The workshop is the fourth Wednesday of the month at 7:00 p.m. as needed. Planning Commission meets the fourth Tuesday of the month at 7:00 p.m. as needed. The Library Board meets the third Monday at 7:00 p.m. They have specific dates. We currently do not have a Rec Board however Mrs. Shade said she was approached by four (4) women from Brookfield Manor who are interested in helping with the Rec Board. She hopes that perhaps the Rec Board will be starting up the beginning of 2010 and at that time we can advertise those meetings. Mr. Schmidt questioned if we should ask the new Council if they agree to those dates. Mr. Francis Butkus has a problem with the workshop meeting; he has a prior commitment on that evening. Mr. Fitzpatrick stated we have passed legislation at the workshop meeting in the past so it would be appropriate for the Mayor to be there. Mr. Zerr said why not leave the new Council decide on whether to have workshop meetings or not. Mr. Zerr made a motion to set all the meeting dates with the exception of the workshop meetings as set forth by the Borough Secretary; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

The next item was to appoint the 2009 auditors. Mrs. Shade stated we were going to look into a new auditor. However the year slipped by and she never did make that recommendation. We received a letter from Reinhart & Co. and they are proposing to do the audit. She would like perhaps to send an RFP out next year. This auditing firm is out of Boyertown. Mrs. Shade said they are very thorough however she feels that at times they might be overstepping their boundaries like last year when they started pulling about the building permits. Mr. Schmidt asked their costs. Mr. Fitzpatrick feels we still have time to put out and RFP. Mrs. Shade said the partner's cost is \$175.00 per hour and the senior staff account is \$90.00 per hour. Mr. Butkus asked if they give us an estimate on how long it will take to perform the audit to which Mrs. Shade said no. Mrs. Shade said they usually come a day or two in late November or early December to do a pre-audit. Then they come back for (3) three or (4) four days to finish off the audit. They do work back at their office. Mr. Zerr said how soon do we have to appoint an auditor? He said it would be tight but we could do it and appoint them at the end of December. Mr. Fitzpatrick feels it should not be too hard to put this together. It is State law. We will be requesting an audit of the books according to State laws. It is nothing special. Mr. Fitzpatrick feels that Reinhart and Company are making it into something special. Mr. Schmidt said lets have Mr. Fitzpatrick draw up and RFP, send it out, and see what if any responses we get. Council is December 3rd. Mr. Schmidt made a motion to authorize the preparing of an RFP for auditing purposes due back here by December 3rd; seconded by Mr. Light. AYES – 5, NAYS – 1 (Mr. Butkus), ABSENT – 1; motion carried.

The next item was the time extension for the Terrace at Sinking Spring project. The Planning Commission makes the recommendation of granting them the time extension for ninety (90) days. The plan is complex and there are several significant areas that need to be addressed. The developer offered a ninety (90) day extension. Mr. Schmidt made the motion to accept the Planning Commission's recommendation for the ninety (90) day extension; seconded by Mr. Butkus. Mr. Zerr questioned how many times this guy is going to come to us and ask for an extension. Mr. Ludgate stated he isn't asking he is granting us the extension. He is offering this to the Borough or if we don't accept it he could ask for approval of the plan that was submitted. He is taking the burden off the Borough. A brief discussion ensued about some of the issues. Mr.

NEW BUSINESS (cont'd):

Wenrich asked for a vote. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Alcon presented their plans to the Planning Commission. They made their recommendations that they be granted conditional approval however the applicant says they will be correcting plans and be bringing them back to the Planning Commission. This is just information at this time. ARRO Consulting did receive a letter about capacity however a letter was not generated as of yet. He reviewed what the plan was about and said they are not adding any new employees they are just adding to their space. No additional parking will be created. They will have to control the erosion. There really is nothing of a land development issue it is more of a building construction issue. Mr. Fitzpatrick said there was a sewer capacity question. They wrote a letter saying they felt they didn't need any additional capacity because when they acquired capacity there were a different number of gallons per EDU. However the number today is much lower than it was back then so it is a real difficult question. Mr. Fitzpatrick does believe as of that day that they will be required to pay additional monies for additional EDUs. A brief discussion ensued as whether they would need to file a planning module. They would like to get construction underway this winter already, Mr. Ludgate said. Another discussion ensued as to the surcharging of the line that goes into their plant at certain times of the day. Mr. Schlott stated at this time, the additional capacity issue is still up in the air. Mr. Butkus said he is confident that the plant has the extra capacity however he is not sure it has the ability to get in there in the timing they need it. Mr. Francis Butkus stated they had meetings with the people from Alcon and at that time they were within the limits of what they purchased. He said they purchased some at 293, some at 240, and he thought the last ones were at 192. The other thing that they were going to address at that time was more re-circulated cooling water instead of just running it through once and running it down the pipe. Whether that was ever done or not, he did not know. Mr. Schlott said they did work at it.

The Planning Commission is continuing to work on the new zoning ordinance. Mr. Fitzpatrick has received some of the new info which is primarily for the downtown district. The full draft they hope to get out within the next several weeks. In addition, they have also discussed the subdivision ordinance. Our subdivision ordinance is roughly 30 years old and Mr. Eisenbrown is looking at getting some more up to date ones to review. He reviewed some of the information with the Planning Commission and he received quite a bit of feedback.

The next item was Library personnel. Mr. Butkus had spoken to Ms. Sloan earlier and in her absence Mr. Butkus recommended that the Borough hire two (2) new part time people to work in the Library. They were Patricia Lowry and Jennifer Blackwell-Yale they would be hired at \$8.50 an hour with roughly 21 hours per month per staff member. They are replacing others that have left. Mr. Butkus made the motion to hire both of the above mentioned people at the rate and hours stated above since they were approved by the Library Board along with Mrs. Westbrook; seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Schmidt was not aware of how many on Council knew about a lease agreement that Mr. Kreider would like the Borough to enter into with him. He is looking to lease about $\frac{3}{4}$ of an acre. It is around where the old yard waste site was located. He spoke to Mr. Butkus and neither of them seemed to have a problem with it. But Council would need to decide on what they would like to do.

NEW BUSINESS (cont'd):

Mr. Wenrich would like to lease it to him and if something happens we can take it back from him. He would need proof of insurance. A discussion ensued as to what he owned. He did own the barn itself. Mr. Garber, the gentleman who farms the land has no real issue with that. Mr. Kreider would like to put in a circle for horse riding. Mr. Butkus feels we should do it has a lease also. We need to get a letter and proof that he has insurance and that if given due notice we can take back the land if needed. Mr. Zerr questioned if he would have to maintain the grounds to which Mr. Butkus said he would be responsible. Mr. Zerr asked if Mr. Butkus had a price in mind to which Mr. Butkus said he did not. At this point, Mr. Butkus said it was more to get Council approval to do this and to authorize Mr. Fitzpatrick to move ahead if Council so chooses. Mr. Zerr said he does not want to see it for \$1 a day. Mr. Schmidt said the price is what is holding this up. You can lease it without going to through the bidding process. Mr. Wenrich and Mr. Zerr both have no problem leasing it. He will be exercising horses there. Mr. Zerr made a motion to authorize the sewer committee and Mr. Fitzpatrick to draw up a lease at \$25 a month; seconded by Mr. Schmidt. Mr. Leiby questioned if this will change the rent amount that we charge to the man who farms it. Mr. Fitzpatrick said we don't charge him a rent. We don't get anything from him. Mr. Leiby questioned again if we are going to change the amount the farmer pays us. Mr. Butkus said Mr. Garber is not paying us anything. It was setup as a trade off. He keeps it clean, mows, etc and he doesn't pay us anything. Mr. Leiby said no wonder we aren't getting paid; he said we use to get paid. Mr. Fitzpatrick said not recently. Mrs. Shade stated she has never seen any money come through here since she has been here. Mr. Wenrich told Mr. Leiby that was the problem; we couldn't find any transactions of money being received on the Borough end. Mr. Francis Butkus stated it was a gentleman's agreement. Mr. Francis Butkus said it was around \$1,200 or \$1,300 a year. Mr. Wenrich stated we went back to try and find that and we couldn't find anything. Nobody could come up with any documents. Mrs. Kutz said we couldn't even figure out who the farmer was. Mr. George Butkus stated we knew who owned it however we weren't sure who farmed it. Mr. Wenrich stated that Mr. George Butkus and his committee researched it and came back that they couldn't find anything. Mr. Francis Butkus stated by him farming and cleaning it up is saving us money because it would cost us a lot more. Mr. Schmidt and Mr. Wenrich agreed. Mr. Wenrich stated without any documentation from the past we had no idea what they were paying. Mr. Wenrich called for the vote. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Butkus asked Mr. Fitzpatrick if he received any information back from Mr. Garber to which Mr. Fitzpatrick said no. Mr. Fitzpatrick said he has spoken to him and told him just to drop off the info at the Borough Hall. Mr. George Butkus asked for his information and he will try to make contact with him.

Mr. Light said we have a new voting place here at the Borough Hall. He said on election days there is a problem with having the building open. They come into the Borough Hall office thinking that this is where they vote. They don't know what doors to use. Parking is a problem with the police cars, employee's cars, and visitors at the Library. Mr. Light made a motion to close the Borough offices on election days; seconded by Mr. Schmidt. Mrs. Kutz said she knows we opened up another election place because of the Presidential election, but who decided this? She wondered if the Borough did it or if the County did it. Mr. Butkus said the County did it. Mrs. Kutz was wondering if we could go to the County and ask them to justify why we need this second place. She said she went to the fire company and there was nobody there. Mr. Zerr said it was an off election year. Mrs. Kutz said even in the election year it was not that crowded. Mrs. Shade said we have no real say in it. Last year she spoke to Ms. Debbie Olivieri at the County and she said that

NEW BUSINESS (cont'd):

is a public building and that the County could use it as a polling place and the Borough had no real say in the matter. We did try to get it changed. Mr. Butkus said Mrs. June Bingaman also tried to no avail. Mrs. Shade said when they arrived on election morning there were no parking spaces. Between the police vehicles, the election personnel, the election officials, and the voters there were no spaces. In addition, we had no additional parking and it was two (2) days before the sewer payments were due. Mr. Hart did put up some parking signs however people were unsure they could park there because it said "no parking". The signs did say no parking however it went on to say unless you are voting. It was confusing. Mrs. Denise Stine and Mr. Edward Oswald who were at the polls agreed. They both said it was horrible. Mrs. Kutz feels someone should contact the Election Board and tell them to find some place with parking like a Church parking lot. Mrs. Shade stated this is where they chose. This is a public building. Mrs. Shade said Council requested her to look into this last year and this is where they had picked for the second precinct. Mr. Zerr said they do feel there is adequate parking here. He said all the things Mrs. Kutz was questioning had been discussed with them and it fell on deaf ears. AYES – 6, NAYS – 0 ABSENT – 1; motion carried. Mrs. Shade questioned if this was for both elections or just the General? Mr. Light said both. Mr. Butkus questioned if we close the office and the library what about the street crew; are they off and if we do that does that mean we need to give the police off as well. Mrs. Shade said the police our under contract for their holidays. Mr. Fitzpatrick stated that Mrs. Shade was correct. Mr. Wenrich stated we are basically just closing the administrative offices. Mr. Zerr said this should become part of the handbook. Then there is no question.

Mr. Schlott had a report for November 5th. It outlined the project and where we are in the contract. We have one (1) application for payment and that is application number three (3). The amount is \$349,128.00 and this is for Wickersham. ARRO has reviewed it and they recommend we pay it. This was as of October 23rd. Mr. Butkus authorized payment in the amount of \$349,128.00 to Wickersham Construction: seconded by Mr. Schmidt. AYES – 6, NAYS – 0, ABSENT -1; motion carried. Mr. Light requested a roll call vote. Mrs. Shade along with Mr. Schlott are working together to submit the applications for payment to get reimbursed from PENNVEST. Mr. Butkus encouraged Council to go out and look at the upgrade and expansion at the plant.

The tax collector has submitted a list of businesses that have dumpsters. She has requested Council to exonerate her from collecting these fees. Mr. Zerr made a motion to exonerate the tax collector from collecting the business trash fees from the list that was submitted; seconded by Mr. Light. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Wenrich wanted to alert Mr. Hart about the property that use to have the trash cans and bags over the sidewalk into Woodrow Avenue. The other night they were all in the receptacles; however they were two (2) or three (3) deep so you couldn't even begin to walk on the sidewalk. Mr. Butkus stated that Mr. Fitzpatrick has a draft of an Ordinance that he would like Council to review about blocking the street with their trash including bulk items. Mr. Butkus said people will be cited just like they would be if they did not shovel their snow. It will be immediate. If Mr. Hart does it they would have to be informed first and it is a much longer process. Mr. Butkus said now it will be if you screw up, you are fined. It is the only way to get certain people's attention. It is a safety issue. Mr. Zerr made the motion to advertise the Ordinance; seconded by Mr. Light. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

PUBLIC COMMENT:

There were no public comments.

COUNCIL PRESIDENT – STEWART WENRICH:

Mr. Wenrich apologized to his fellow Councilpeople on his recent absences at the last few meetings. He explained between his job and some personal issues he needed some time. He will try to make the meetings. With the new computer system that his work has brought in, he often times has two (2) hours of work at home after putting in a full day. He does appreciate everyone keeping him informed and for running the ship. He again thanked everyone.

Mr. Zerr also thanked everyone for their cards and thoughts during his recent illness. He said he is on the mend.

Mr. Wenrich said that he noticed Norfolk Southern was putting another switch in. He was wondering if that was for F.M. Browns. Mr. Zerr said no, it was for the expansion back at the tanks. Mr. Butkus said there is a new switch but it replaces one (1) they were having issues with.

TREASURER’S REPORT:

General Account

Opening Balance – October 31, 2009		\$315,585.60
PLGIT		9,088.87
Invest	Recreation	49,523.12
	General Invest	4,377.90
	To Be Paid	(42,740.64)
	Total Acct Funds	\$335,834.85

Sewer Account

Opening Balance – October 31, 2009		\$264,444.09
PLGIT		61,221.67
Invest	Sewer Revenue	321,429.64
	To Be Paid	(5,559.63)
	Total Acct Funds	\$641,535.77

Mr. Light made a motion to accept the Treasurer’s Report; seconded by Mr. Schmidt
 AYES – 6 NAYS – 0, ABSENT - 1; motion carried.

ADJOURNMENT:

Mr. Light made a motion to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer