

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, November 6, 2008 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

Other officials present were: Mayor Clarence Noecker, Charles Fitzpatrick, Borough Solicitor, James Oxenreider, Chief of Police, Robert Ludgate, Sr., Ludgate Engineering, David Schlott Jr., ARRO Consulting, Ronald Wentzel, Liberty Fire Company, Michael Hart, Public Works Director, and Regina Shade, Secretary/Treasurer, who recorded the minutes of the proceeding.

A moment of silence was held for our armed services, that are in harm's way, also for our past and future President, hopefully they can guide this county to a better place.

APPROVAL OF MINUTES:

Mr. Light made a motion to accept the meeting minutes from the October 15, 2008 Council meeting; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

VISITORS:

There were no visitors that addressed Council.

COMMUNICATIONS:

Mrs. Shade read two letters that were received. The first letter was the resignation of Ms. Brenda Messina from the Municipal Authority. Mr. Butkus made a motion to regrettably except Ms. Messina's resignation; seconded by Mr. Light. AYES – 67 NAYS – 0, ABSTAIN – 1(Mr. Wenrich); motion carried.

The second letter was from Frank and Kathleen Politzer who live at 34 Winding Brook Drive. They received a sewer bill on October 13, 2008. Over the summer they had landscaping done, including installation of a lawn, sod and an irrigation system for newly planted shrubs and plants. The irrigation system failed on several occasions. The sewer bill for this usage on October 10, 2008 was in the amount of \$641.88 as opposed to the previously monthly average of \$42.58. They stated the water used to irrigate their backyard as well as the water wasted with this flooding, ran off the back of the yard and into the Cacoosing Creek, at the back of the property. This water bill did not enter Sinking Spring sewer system and believe part of the sewer usage based on the water usage. They respectfully request that their sewer bill for \$299.47 be recalculated based on their previous sewer bills based on normal water usage. Mr. Zerr questioned if the system failed

COMMUNICATIONS (cont'd):

immediately or was there a usage over a period of time, then the system failed. Ms. Sloan suggested that we should meet them half way, it's not our fault that the system failed and we shouldn't have to completely reverse the bill. Mr. Wenrich stated it was no different from someone watering their lawn and it does reflect in the sewer bill. Some discussion ensued on their prior sewer bills. Mr. Butkus asked for Council's permission for the chair of the administration committee and himself to gather more information and report back to Council. Mr. Wenrich gave his approval.

APPROVAL OF THE BILLS:

Mrs. Kutz made a motion to pay the bills; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the report for October, 2008. The September 2008 DMR was completed. There were no violations. The invoices for the third quarter of 2008 commercial monitoring were sent to the permittees. There were two (2) notices of violation, one (1) to Paperone's and the other to V & S Sandwich Shop. Mr. Juzyk stated he mentioned briefly last month there was a cracked condenser on the heater in the garage. He spoke again to Leffler, they said the cracked condenser may smoke, but should not be hazardous to operate the unit. He does have three (3) quotes for replacement. Mr. Wenrich stated it should be replaced as soon as possible. Mr. Juzyk stated the quotes he received ranged from \$4,762.00-\$6,485.00. Mr. Butkus made a motion to authorize Mr. Juzyk to go with the low bid, not exceeding \$5,000.00 as soon as he verifies the BTU's, also to confirm the contractor, seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried. [Berks Products won the bid].

Mr. Juzyk stated when Crystal Springs was making a delivery; the delivery truck backed into a light pole and severed it off at ground level. He waiting for a quotation for replacement from Reading Electric, and also waiting for Crystal Springs insurer to contact him. Ms. Sloan questioned when this happened. Mr. Juzyk stated it was last week, October 29th. Mr. Zerr asked if an accident report was made. Mr. Juzyk stated he has an accident report on file at the plant. Crystal Springs has an internal accident report that they are not willing to relinquish to us. Mr. Butkus questioned if we know the name of their insurance. Mr. Juzyk said they did not give him that information. He said he does have a copy of their vehicle insurance.

Mr. Juzyk stated they completed thirty three (33) plant maintenance work orders, including repositioning the sampler tubing in the influent channel. He also included the influent composite split sample analysis. The influent composite sample has dropped since the sampler tubing has been relocated. RAS Pump #1 was rebuilt by A.C. Schultes and clarifier 1 was drained for routing cleaning and inspection. The trend of lower than average flows, which started around July continues. The BOD concentration and the loading are much lower in September and October. Mr. Butkus questioned if we finally tracked down the source of the previously high readings. Mr. Juzyk said that is correct. He stated that he believes it was due to the location of the sampler suction line.

MILLER ENVIRONMENTAL (cont'd):

Mr. Butkus made a motion to table the Miller Environmental contract until Workshop meeting at the end of this month, seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

REVITALIZATION PROJECT:

Mr. Ludgate, Sr. stated the committee was working really hard to find funding for the Revitalization project, now that the Official Map has been approved. He stated that all of the agencies that have been contacted seem very enthusiastic and see this as an excellent solution to what is a problem not only to Sinking Spring, but regionally. He stated that about three (3) weeks ago, Mrs. Shade had received an e-mail from Alan Piper at Berks County stating there was a new program called the PCTI funding, this is not a grant. It is tied to the Smart Transportation Guide Book. He stated this was a fairly new publication, it was published March, 2008, and it was jointly published by New Jersey D.O.P. and PENNDOT. It takes a look at transportation in conjunction with community planning. They are not going to run a highway through, around a town, and ignoring the town. They want projects that work with the community. This is what they call the mobility context, working with the community context, the planning context, the financial context and the environmental context. They all come together to come out with the optimum program to address globally the needs and wants. Mr. Ludgate, Sr. attended a Reading Air Transportation Study and Technical Committee meeting today where Joe Fry, who is the Chief Engineer in District 5, made a presentation on Smart Transportation. Mr. Ludgate, Sr. showed Mr. Fry the new adopted Official Map. Mr. Fry said we should have showed our plan rather than the one that was on the screen. Mr. Ludgate, Sr. stated that how closely we fall in within the guidelines under this Smart Transportation. He is trying to figure out how to get from we are. With a plan that meets the model and approval of our Official Map, and the Revitalization Committee that are very enthusiastic to get things done, and how we parlay all this into getting the project going. This PCTI funding will fund a maximum of \$5,000,000.00 of construction. Mr. Ludgate, Sr. stated that the map that he passed out this evening, outlined in green, is roughly \$5,000,000.00 of construction on this Official Map. At the meeting he attended today, they discussed the Revitalization and the fact that it will be difficult to fund it. He told the PENNDOT and County people that this project is going to benefit all of the communities in Western Berks County, not just Sinking Spring. It's not fair to ask Sinking Spring to carry the burden of the local share. He stated it should be shared by others, whether it's through the County or through the State. He said they all nodded in agreement with that. Mr. Ludgate, Sr. is asking for Council's permission to proceed to respond to the PCTI funding application that has to be in by December 15, 2008. Mr. Ludgate, Sr. stated in a way he will present the whole project, he will explain that the \$5,000,000.00 will not build it, that it is a regional benefit, that it is a plan that ideally fits the Smart Transportation Guide Book and that we have done the steps that are called for to get to arrive at a plan. He will ask that PENNDOT along with other agencies will take a good look at this. They are restricted to a two (2) page narrative. The outline of this narrative will be modified. He would like to work beyond the \$5,000,000.00. He stated the people who are in the business of planning in transportation have bought into our Official Map. They agree it's a solution and want to see it happen. Mr. Schmidt stated that awhile ago Mr. Ludgate, Sr. said he wanted to get a private contractor to do this work, as against PENNDOT work. Mr. Ludgate, Sr. stated the PCTI funding is PENNDOT money. PENNDOT stated through e-mails that this would be what is called a PENNDOT Let and they have PENNDOT control. There are two (2) ways a project can be built on a PENNDOT highway. It can be built by PENNDOT or by

REVITALIZATION PROJECT (cont'd):

PENNDOT'S approval of a PENNDOT plan. It can also be built under a Highway Occupancy Permit, which is how most private projects are built. West Reading was built under two (2) phases of construction. One block was a PENNDOT project on a PENNDOT approved plan and five (5) blocks were done under a Highway Occupancy Permit. The five (5) blocks under the Highway Occupancy Permit were done more quickly and at lower costs than the one (1) block done by PENNDOT. Mr. Schmidt said his understanding is that we would put the money up front and then they will reimburse us. Mr. Ludgate, Sr. stated that is what was said at the meeting he attended today. He asked them how they can expect the Borough of Sinking Spring to come up with this kind of money to go for reimbursement. They said this doesn't happen all at once. They said the contractor will build, then bill for his payment, the Borough will make the payment, then PENNDOT will reimburse the Borough. The contractor normally bills for progress payments monthly on those types of jobs. He stated the Borough would probably be out two (2) or three (3) months until they would receive reimbursement. Mr. Ludgate, Sr. made it clear that the State money used as reimbursement is not a loan. He also stated that the Borough would have expenses that would not be covered. Mr. Wenrich asked if this application would bind us in any way. Mr. Ludgate, Sr. stated that it would not, because the application is going in competitively. Mr. Wenrich stated that if we were to file this application and it did not suit Council or fit our needs, we can walk away from it. Mr. Ludgate, Sr. agreed and said if we do not file this application then we do not have any opportunity. Mr. Schmidt questioned if this money would cover any properties that would be taken over. Mr. Ludgate, Sr. stated this was not; there were separate agencies that would deal with the property takeovers. A brief discussion ensued. Mr. Schmidt made a motion to allow Ludgate Engineering to proceed with the application for the PCTI funding, seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

EXECUTIVE SESSION:

An executive session was held at 7:41 p.m. for personnel issues.

RECONVENE:

Council reconvened at 8:10 p.m.

UNFINISHED BUSINESS:

The first item is the Ordinance to assume the debt of the Authority. Mr. Fitzpatrick stated Mike Setley, who acted as Financial Advisor to the Authority and who performed the legal work with respect to the Authority borrowing money from, what was then Blue Ball bank and is now Susquehanna Bank. He has prepared an Ordinance that has enabled the Borough to assume the debt of the Authority, the outstanding balance on the debt. Mr. Setley stated he provided Mrs. Shade with a copy of the Ordinance and it has been advertised in accordance with the Local Government Union Debt Act. He stated Council could take action if they choose. This will be replacing the Sewer Revenue Note with the Borough's General Obligation Note. He stated there is \$597,367.90 remaining on the Note. It will be paid off on February 15, 2015. It is at a 4.3% interest rate. He stated there will be some additional fees that will have to be paid, such as bank fees, legal fees, etc. Some discussion ensued on grant money and borrowing funds. Mr. Light made a motion to approve

UNFINISHED BUSINESS (cont'd):

the ordinance and authorize the appropriate officers to execute all documentation required for filing with D.C.E.D., seconded by Mr. Schmidt. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried.

Mr. Wenrich suggested that the Budget meeting should be scheduled for Monday, November 24th and it will also be the Workshop meeting.

Mrs. Shade stated every year we have been using Reinhart and Company and has received a letter that they request we get a motion and a second to appoint them as the auditors for 2009. Mr. Schmidt made a motion to appoint Reinhart and Company as the auditors for 2009, seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried.

Mrs. Shade stated that on Sunday, November 16th, at the Liberty Fire Company, the Revitalization Committee is having a Vera Bradley Bingo. There will be 25 games of bingo to be played. There will be items raffled off, AAA is giving us a \$300.00 trip, there is also a \$150.00 spa day from Hair on the Avenue, along with prizes from different businesses in the Municipality. The doors and the kitchen will open at 11:00 A.M. Tickets are \$20.00 in advance or \$25.00 at the door. The tickets are available at the Borough Hall.

Mr. Wenrich stated the Borough Hall open house will be December 3rd from 7:00P.M.-9:00P.M. Some discussion ensued about what time Santa should arrive.

Chief Wentzel questioned if the Fire Company was going to take Santa around on the fire truck. Some discussion ensued regarding this and someone would get back to him with details.

The next item was the Western Berks Fire Company. Mr. Fitzpatrick stated there was a meeting conducted by the Task Force, where the Chiefs of the various Fire Companies presented information concerning the proposed merger of the Wernersville, Sinking Spring, Fritztown and Lower Heidelberg Fire Companies. The proposal is to merge the four (4) companies. The municipalities would provide the financial support for the merged company. The contribution by each Municipality would be based upon the assessed valuation in those Municipalities. Mr. Schmidt stated that Sinking Spring's contribution would be \$185,562.46, Wernersville's is \$105,221.70, Lower Heidelberg's is \$319,653.66 and South Heidelberg's is \$339,216.54. Mr. Fitzpatrick stated the Task Forces proposal is to have a thirteen (13) member board that would operate for the first three (3) years of the entity being in existence and then having a nine (9) member board thereafter. The thirteen (13) member board would be comprised of a Fire Company Commissioner; four (4) representatives from the Fire Departments, one (1) from each; four (4) representatives of the Municipalities, one (1) from each and one (1) person from each of the municipalities, appointed by the municipalities. After the third year it would decrease to nine (9). The Commissioner; would be a member; a member from each of the four (4) former Fire Companies and a member from each municipality. The Solicitors had several issues. Mr. Fitzpatrick stated one (1) of his concerns was after the third year, the way it was structured, with the municipalities providing all the financial contributions they would be the minority. One (1) of the other Solicitors from another Township stated, maybe the vote should be skewed because they would be contributing more money, and then they should have more votes. Mr. Butkus questioned if it would be possible to add a requirement that before any apparatus is permanently removed from

UNFINISHED BUSINESS (cont'd):

any municipality that it would put in on referendum in that municipality. He understands that on paper they would be owned by this new entity, but before they move any of the apparatus to another station house, the residents should be the ones to decide since they are the ones who paid for the apparatus. Mr. Fitzpatrick stated he will look into having this put into the Western Berks Fire Department By-Laws. All capital equipment, owned by each of the Fire Companies will titled in the name of the merged company. Some discussion ensued regarding possible removal of apparatus. Mr. Wenrich stated his main concern with this merger is the budget. He stated that the proposed budget for the merge is approximately \$45,000.00 more than the current Fire Budget. Mr. Wenrich continued some discussion on the budget and how it can be lowered. Chief Wentzel stated that the officers from the four (4) Fire Companies sat down together and crunched some numbers and eliminated approximately \$12,000.00 out of the operating costs after comparing bills from past years of what was budgeted. He stated the salaries were the biggest expense cut. Some discussion ensued on the paid drivers salaries and different budgeted items. Mr. Butkus made a motion to donate \$1,500.00 for the By-Laws and declaration on intent, seconded by Mr. Light. AYES – 5, NAYS – 2 (Mr. Wenrich and Mr. Zerr); motion carried.

MR. LEVENDOWSKI:

Mr. Levendowski addressed Council about his high sewer bill at 3992 Penn Avenue. He had a problem with being charged for ten (10) units when he only has one (1) sewer connection.

NEW BUSINESS:

The first item was paying of Authority bills. Mrs. Shade stated that the Authority has run out of money and there is an ARRO Consulting bill for \$21, 424.17 that needs to be paid. Mr. Schmidt made a motion that the ARRO Consulting bill be paid from the Borough's Sewer Revenue account, seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

The next item was the time extension for Terrace and Sunset. Mr. Ludgate, Sr. stated it has been recommended by the Planning Commission that the time extensions offered by the developers should be accepted. The time extension for Sunset would be February 6, 2009 and the time extension for Terrace would be March 2, 2009. Mr. Butkus made a motion to accept the time extension for these two (2) plans, seconded by Ms. Sloan. AYES – 6, NAYS – 1 (Mr. Zerr); motion carried.

The next item was the Planning Module for Traditions. Mr. Schlott stated the Planning Module, through D.E.P. was approved by the Authority. It is for the capacity they need to require in the amount of 32,724 gallons per day. Some discussion ensued regarding the capacity. Mr. Butkus made a motion to accept the Planning Module for Traditions, seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried.

Mayor Noecker stated Diane Toontas, a part-time Police Officer, went on maternity leave in the beginning of 2007 and has not worked a shift since. It was suggested that she turn in all of her equipment. She also submitted a letter of resignation, effective immediately. Mr. Butkus made a

NEW BUSINESS (cont'd):

motion to accept her letter of resignation, seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

Mr. Ludgate, Sr. stated the Planning Commission has recommended a waiver of Section 5.514 of the subdivision regulation regarding South Hull Street. Mr. Bonenberger of the Hull Street Project stated there will be four (4) parcels to this project. He stated that none of the lots meets the ordinance. They are combining and re-subdividing them so they do meet the ordinance requirements. Mr. Schmidt made a motion to accept the recommendation of the Planning Commission for the waiver, seconded by Mr. Light. AYES – 6, NAYS – 1 (Mr. Zerr); motion carried. Mr. Bonenberger stated the frontage access will be off of Columbia Avenue and there will be an access easement off of South Hull Street.

The next item was the Hoffman Plan. Mr. Ludgate, Sr. stated the Planning Commission recommended the conditional preliminary approval for the Hoffman Plan. This is the plan that is primarily in Spring Township for an office project. A representative from McCarthy Engineer briefly discussed the layout of the plan. Ms. Sloan stated we should request some escrow to be held in case there would be some storm water issues. Some discussion ensued regarding these possible storm water issues. Mr. Schmidt made a motion to accept the conditional preliminary plan for Hoffman Industries, seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

Mr. Ludgate, Sr. stated Brookfield Phase I & II has requested release of surety for certain improvements that have been completed. He stated there are some issues with storm water construction. Mr. Schlott said they had done an inspection and found some problems; they have not re-inspected to see if the issues were fixed. Mr. Fitzpatrick requested no escrow release should be issued to Brookfield at this time. Mr. Hart discussed briefly some of the issues with the damaged sewer lines. It has been table at this time.

PUBLIC COMMENT:

No public comment.

COUNCIL COMMENTS:

Mr. Zerr stated on December 9th at 10:00 A.M. the arbitration hearing will be held at the Borough Hall.

Mr. Butkus thanked council for the condolences on the passing of his Grandfather. He also apologized for his absence as of late.

Ms. Sloan has received two (2) letters of resignation from the Library Board. Two (2) people have stepped forward to fill the positions. The individuals are Ann Case and Michelle Hollub. Mr. Butkus made a motion to appoint them to the Library Board, seconded by Mr. Schmidt. AYES – 7, NAYS – 0; motion carried.

TREASURER'S REPORT:General Account

Opening Balance – October 31, 2008		\$	1,724.05
PLGIT			8,986.48
Invest	Recreation		49,303.80
	General Invest		168,683.31
	To be Paid		<u>61,422.79</u>
	Total Acct Funds		\$167,274.85

Sewer Account

Opening Balance – October 31, 2008		\$	116,689.18
PLGIT			60,523.64
Invest	Sewer Revenue		<u>443,456.21</u>
	Total Acct Funds		\$616,467.02

Mr. Butkus made a motion to accept the Treasurer's Report; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

Mr. Schmidt made a motion to allow Mrs. Shade to send a letter to Ms. Zerbe in response to her request, seconded by Mrs. Kutz. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried.

ADJOURNMENT:

The meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Regina M. Shade, Borough Secretary/Treasurer