

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, December 3, 2009 at 7:00 p.m., at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Debra Bohn called the roll reflecting the following Council Members present:

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

Other officials present were: Mayor Clarence Noecker, Charles Fitzpatrick, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, David Schlott, ARRO Consulting, and Debra Bohn, who recorded the minutes of the proceeding.

Mr. Wenrich requested a moment of silence for our armed services, police and fire departments, for the senseless shooting of four (4) police officers in FL, and for the sending of 30,000 troops to Afghanistan before the Holidays.

LETTER FROM BARBARA KUTZ:

Mr. Wenrich read a letter from Mrs. Kutz thanking everyone for their support throughout her term on Council.

APPROVAL OF MINUTES:

Mr. Light made a motion to approve the minutes from the October 26, November 5, and November 18, 2009 meetings; seconded by Mr. Schmidt. AYES – 4 NAYS – 0, ABSENT - 3 (Ms. Sloan, Mrs. Kutz, and Mr. Zerr); motion carried.

VISITORS:

Mr. Ray Carbon of Columbia Avenue was the first visitor. He wanted to address the remainder of the curbing on Columbia Avenue. Mr. Hart said all the residents that had not put in the curbing have received letters. The time has expired. It is on the agenda for discussion that evening; he was going to see how Council wanted to handle this issue. There is about 138 feet of curbing. He continued to explain to Council about the curbing and his concerns. The other issue is had to do with the person that lives next door to him. He said they are horrible. They have a private driveway between the houses. The apron has a curb radius. One day he saw the wife out and Mr. Carbon asked her if she received a letter about repairing her curb radius to which she answered no. Mr. Carbon came down here to Mr. Hart. Mr. Carbon explained that the driveway is a private driveway and that Mr. Carbon does not own that private driveway, nor does he have liberty to use it. He went on to say that the radius is on their property and of course Mr. Hart sent them a letter. The person next door said he wasn't going to do anything right now. He hasn't

VISITORS (cont'd):

done anything and now Mr. Carbon is being sued. He is being sued to replace his curb radius. He continued that about two (2) years ago the Borough had water or sewer lines replaced and the contractor ruined a lot of the curbing on Columbia Avenue in his block. Mr. Carbon said they as homeowners are responsible for the curbing in front of their home. He went on to say that due to negligence on someone's part they must still pay for the damages. That is unfair. He said he had the entire 23 feet of his curb replaced. Now, he received a letter from the person that lives next door to him stating that since...he read the letter. He wanted Mr. Fitzpatrick to address the issue since he was a lawyer. The letter stated what was mentioned above. He went on to read that the person living next door to him after receiving the letter ordering him to repair his curbing felt it didn't need repairing until Mr. Carbon complained to the Borough; the neighbor called the Borough and the Borough said they will not take sides on property disputes. So the neighbor contacted their attorney and he advised them that once you touched and removed that part of the curb, Mr. Carbon took control and domain of it; Mr. Carbon has claimed responsibility for it so therefore it is now his responsibility to repair and/or replace it. The person next door went on to say that if you can prove this is on their property feel free to go through the expense of a survey but as of now since he has taken control of it, as it is, Mr. Carbon is responsible for replacement of that curb. Mr. Carbon said he was not the contractor that replaced the curb and he didn't ask his subcontractor to do that. Mr. Carbon received a certified copy of his deed and the curb is not on his property. He doesn't own a driveway so therefore he does not have a curb radius, Mr. Carbon said. He said according to the letter the Borough won't take sides; he is not asking the Borough to take sides on anything. He is asking the Borough since they have a Code Enforcement Officer, which that Officer should have the knowledge of what a curb radius is; what it belongs to and the properties that it belongs to. He is being sued for \$1,800 to replace about 12 to 16 inches of curb radius. He wanted to know if the Borough would take an issue with this. If they do, he would appreciate it. He is going to Court and he is well prepared to defend himself. He wanted to know what the Borough could do about this. Mr. Wenrich said if that radius is not within your property line then it is not your responsibility. Mr. Wenrich went on to say this is more of a neighbor vs. neighbor matter however he assured Mr. Carbon that when we issue curb repair orders, they will have 60 days with a possibility of another 30 day extension and if the repairs aren't made the Borough will hire a contractor and make the repairs. We will then bill the homeowners and if they fail to pay, we shall put a lien against the property. Mr. Hart said that is correct and he has this very issue to bring up for discussion that evening. He explained again about all the money he lost and how he was going to repair the curbing and how the State got involved. He again said he lost a lot of money. Mr. Wenrich said we have a procedure that we must follow ourselves. He assured him that the curbing will be done. Mr. Hart asked Council if they wanted him to go out to bid for a contractor to finish up the curbing. There are about eight (8) properties for a total of 137 feet of curbing. Mr. Light made a motion to move ahead with doing whatever needs to be done to get the curbing put in on Columbia Avenue; seconded by Mr. Butkus. Mr. Butkus questioned if that had to do with the radius curbs as well to which Mr. Hart said it did. That is the only driveway apron that needs attention according to Mr. Hart. AYES – 4, NAYS – 0, ABSENT 3; motion carried. Mr. Carbon again addressed Council. He said the State was involved and it cost the residents more money. He explained that in one day the contractor excavated, formed, and poured the curb. The next day the State was to come in. Someone complained to one Windsor Service if they could have one (1) more day, they could get the other side of Columbia Avenue. The person from Windsor Service called a State employee who came out at 7:00 that evening. That person said the street did not need to be excavated on the other

VISITORS (cont'd):

side. That is what Mr. Carbon was going to do. He paid an additional \$800 to get his excavated and a State employee makes a decision the night before not to do excavating. He feels this is unjust. Mr. Wenrich said Columbia is a State Road. They can override us. Mr. Carbon understands that. Mr. Butkus said it was not the Borough who dug up the street. He believes it was a subcontractor for PA American Water. Mr. Hart will follow up and keep Mr. Carbon abreast of what is happening.

Mr. Scott Miller, of Stackhouse Bensinger was next. He was there to answer any questions that might have arisen regarding Traditions. In 2008, the Borough gave conditional approval to the plan based upon a review letter that they Ludgate had done. It was based on an E&S plan. He since then got a request for a letter of consistency from the developer which they want to send to DEP. Mr. Ludgate said what would this letter be based upon? It is based on the post construction management plan. He asked for a copy of the plan as he wasn't going to send a letter based on a plan he had not seen. When he saw the plan he noticed that it was significantly different than the plan he had received last year. Mr. Ludgate showed the plans to the Planning Commission and they were concerned. The Planning Commission passed a resolution with a recommendation to Council saying that the plan is different and they recommend that it be reviewed. They also recommended that the Solicitor be consulted further. They did adopt Mr. Ludgate's recommendation that at a minimum they have assurances from a geotechnical engineer that the proposal for the infiltration of storm water through the ground is going to be safe. Mr. Fitzpatrick supports the Planning Commission's decision. He would like to see the changes that were made to the plan as an amendment to the plan. This means it will have to go through the normal planning process. Mr. Miller said they received conditional approval for the plan. They filed an individual NPDES permit with the Lancaster County Conservational District at that time because the Berks County's office was influx. Subsequently, it has been approved by the Berks' County Conservational District after they reorganized. The changes they are asking for were required for an individual NPDES permit. They realized the plan was conditionally approved; they were going to be filing a final set of plans back to the Borough to make sure that everything was consistent with the review letters that were issued by Mr. Ludgate. That procedure was going to be put into place. This will all be part of the review. The problem was that the letter was part of the NPDES permit application. They did geotech work. They will resubmit an entire package back to the Planning Commission. If Mr. Ludgate has any more concerns then we can just go through the process. No layout changes have occurred. It all has to do with infiltration and how it will be handled. Mr. Fitzpatrick feels that is the best way to proceed. A brief discussion ensued as to the infiltration and what could be happening. They will submit plans back to the Planning Commission.

COMMUNICATIONS:

There were no communications.

APPROVAL OF BILLS:

Mr. Light made a motion to pay the bills; seconded by Mr. Schmidt. AYES -4, NAYS - 0, ABSENT - 3; motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Tom Dietrich of the Western Berks Fire Department gave the report. They have the Fire Commissioner position down to six (6) applicants. The ladder truck is back and running.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the report for November, 2009. The trailer jet that was taken to Jet Vac, Inc. is still in the shop. They are still waiting for the parts and they are getting the run around from the manufacturer. They have switched from oxidation ditch number two (2) which has been in service for a number of years to oxidation ditch number one (1). They did that in conjunction to work that Wickersham was doing on division box two (2). Some bypass pumping was done which kept all the plant units operational during the process. Everything worked out well. There is quite a bit of grit at the bottom of oxidation ditch two (2). They are working on coming up with a plan to dispose of the grit. They responded to very brief outages at both the plant and the pump station on November 1st. He has been working on calculations for estimating chemical requirements and additional sludge due to chemical phosphorus removal that is part of the upgrade. He continued that estimated costs of operation and maintenance for the upgraded plant were submitted to the sewer committee chairman; Mr. Butkus. Mr. Butkus said all he had were some tentative numbers on the chemicals. He apologized if he misstated that. He did say he and Mr. Schmidt did meet with some representatives of Miller the week before and the numbers were within the numbers we had estimated for budget purposes. At the last Council meeting the quotation for repairing clarifier parts was discussed. It was larger than thought. Council approved a not to exceed number of \$4,000.00. The misunderstanding between the supplier and Mr. Juzyk was a roller chain that was quoted at \$4.00 that was per link not the cost for the entire chain. The chain was 160 links. So the amount was not \$4.00 it was \$640.00 which brings the total to \$4,334.00. They took it upon themselves without speaking to Mr. Juzyk and sent it out. He questioned Council if he should return that item or pay for the difference. Mr. Wenrich said that appears petty to him to return it. Mr. Butkus said we have money available from items that were budgeted and not done at the plant. That way we have it. Mr. Butkus made a motion to amend the price to include an extra \$700 for the roller chain; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT - 3; motion carried. The total monthly flow was 18,544,000 gallons. The average daily flow was 618,000 gallons. The total rainfall was 2.00 inches. The contribution by municipality was Sinking Spring – 60.7%, Lower Heidelberg – 30.9%, and South Heidelberg – 8.4%. Mr. Fitzpatrick stated the number for Lower Heidelberg seems higher. Mr. Juzyk has noted that the Green Valley flow meter has shown an increase through the month of November. They checked the ultra sonic sensor and there is no debris that would cause a false reading. They have inspected the usual manhole and there does not appear to be anything that would cause a false positive reading. This continues with the increased flow through the summertime. It wasn't addressed last year or this year by Lower Heidelberg. Mr. Butkus said it could be periodic use. It might be that certain businesses are using more water at certain times or seasons. Mr. Wenrich said as long as the meters are calibrated; meters don't lie. Mr. Butkus displayed one of the plaques the plant received at the EPWCOA on November 20th. Miller's people also got an award as they operate the plant. Mr. Wenrich thanked Miller for a job well done. Mr. Wenrich said it was brought up at our workshop meeting that Lower and South Heidelberg Townships have not paid any money to the Borough this year. He was wondering where we were in this situation. Mr. Fitzpatrick stated that South Heidelberg has paid us \$36,000.

MILLER ENVIRONMENTAL(cont'd):

We received that check a few weeks ago. That is not the entire obligation for 2009. There is a meeting scheduled for next Tuesday between Mr. Schlott, himself, and their attorney and engineer. They have some questions on the shared costs. He believes those issues are hammered out; however there is another issue with expansion vs. upgrade. They hope to resolve those issues at this meeting. Mr. Wenrich said we are in the 12th month of 2009. Now they are coming up with these questions, because we are now putting heat on them for not paying the bill. Mr. Butkus agrees. He asked Mr. Fitzpatrick what can be done. Mr. Fitzpatrick stated with a municipality it isn't like having a customer within the Borough. When they don't pay, we can shut the water off. We can't do that and we can't shut off their sewer either. It becomes a health issue. We would have to bring a lawsuit. That is expensive to both parties. We want this resolved. We are actually further ahead with South Heidelberg then we are with Lower Heidelberg. He anticipates after the meeting, they will come up with something and going forward they will be paying current. Lower Heidelberg is really an issue. He circulated an e-mail today which actually started a long time ago. He went over the e-mail with Council. They stated that their Board of Supervisors was meeting and we should be receiving payment for the first two (2) quarters of 2009. Revised agreements were sent to them. A revised agreement was prepared about six (6) months ago, perhaps longer. The agreement was sent to them and it has been sitting with their solicitor since it was sent. Mr. Fitzpatrick has requested their comments and they say they are working on that. They did agree they would pay us the first two quarters of 2009. They were to get authorization at their November 16, 2009 meeting. Mr. Fitzpatrick has heard nothing. As of today, Mr. Fitzpatrick called their solicitor and their solicitor stated they had authorized payment on November 16th. Some revenue source has to clear but he assured Mr. Fitzpatrick that a payment would be made. We should receive something next week. Mr. Fitzpatrick explained to their solicitor that we need payment and he is going to recommend an executive session to discuss this matter. Mr. Wenrich said he knew we would have to probably take them to court. He was wondering if a penalty and/or interest could be tacked on as well. Mr. Fitzpatrick said yes. Mr. Butkus stated he spoke with people up there and those people wanted to see an actual year of flow instead of a projection amount. Mr. Butkus said we do have flow data from other years though. Mr. Wenrich said basically they are playing with our money, making interest on it, and we are getting nothing. Mr. Fitzpatrick said it isn't really correct. We entered into this agreement based upon an estimate initially and then a reconciliation will follow once those expenses were determined. So, that is not a basis for not paying us. Mr. Wenrich asked for Council's opinion. Mr. Light feels that Mr. Fitzpatrick should move ahead with litigation if we don't receive any money from them. Mr. Schmidt agrees as well. He questioned if they both have the same engineer to which Mr. Fitzpatrick stated no. At one (1) time it was but it is not that way now. Mr. Schmidt asked if the new engineer at Lower Heidelberg was questioning the agreements. Mr. Fitzpatrick said ARRO is their new engineer. That is not an issue. It is in South but not Lower. Mr. Butkus asked how many on their Board are changing in January as perhaps we will get better cooperation at that time. Mr. Schmidt said he doesn't know if that question can be answered as you don't know what kind of people are going in. Mr. Wenrich questioned if we start litigation how long will it take. Mr. Fitzpatrick stated he didn't have any idea. Mr. Wenrich stated he just wanted to know how long it would take to begin the process to which Mr. Fitzpatrick said a couple of weeks to get it going. Mr. Schmidt said they are having a meeting next week and we should be able to get some feeling of what is going on. A brief discussion ensued as to when everyone holds their meetings. Mr. Light made a motion that if after the two (2) meetings with Lower and South Heidelberg Townships' Supervisor upon completion of those meetings if we don't

MILLER ENVIRONMENTAL(cont'd):

have a resolution to the current situation we authorize Mr. Fitzpatrick to move forward with litigation; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. We need an answer. Mr. Speece questioned if we can send someone to their meeting directly. Mr. Harting said perhaps we didn't get any money because it hasn't paid a sewer bill himself. He has not been billed and he lives in Lower Heidelberg Township. Mr. Fitzpatrick stated we are aware of this. He is at least a quarter behind. It is true they don't have the money because of the software problem. Mr. Wenrich stated that is true however it is their obligation to get the bills out. Mr. Fitzpatrick agrees but they have changed secretaries and they are coping with some of the technical problems. Mr. Campbell questioned if we paid out that money already to which the answer was their sewage has already been treated by us. Mr. Campbell stated we have had a discussion in the past if we sell that plant won't these problems go away. Mr. Butkus said if we sell the plant your sewer bill will have to go up because you are selling it to a private entity just like utilities, health care companies, auto repairs shops. They are going to invest in it but they are going to want to make a profit off of it. We don't make a profit off of the plant. Mr. Schmidt said no, we are losing money. Mr. Butkus said no. Mr. Schmidt said, at this point in time we are out at least \$200,000. Mr. Wenrich said that was correct. Mr. Schmidt said Mr. Butkus is making it sound like we can't make money, but we don't want to lose money either. Mr. Butkus said that was true. Mr. Butkus said we have not had to borrow money for the operational side of the plant. We had reserved funding set up. The money we have borrowed is for the construction work. By selling it, they will go to the PUC for rate increases but if they expand or not expand that is at their discretion. They are going to wait till DEP gives them a notice of violation. You can't hold them accountable as well, Mr. Butkus said. He went on to say yes, the Borough would not be out that money, but we aren't in control of the money either. Your bills will be higher. Mr. Schmidt said you assume that Mr. Butkus, you don't know that for a fact. Mr. Butkus said look at the health care companies when they were allowed to make a profit. Mr. Schmidt wanted to move on. Mr. Fitzpatrick will work on this issue.

UNFINISHED BUSINESS:

The first item under unfinished business is the Ordinance for the tax increase for the General and Fire Funds. Mr. Fitzpatrick has the proposed tax levying Ordinance for 2010. This is as a result of the proposed budget. The real estate tax amount would be 4.19 mils on each dollar of assessed value. The fire tax rate would be .85 of a mil on each dollar of assessed value. The rate for ambulance service would be fixed at .25 of a mil on each dollar of assessed value. There is an Ordinance for the establishment of the last item as well. They would not be enacted this evening, he is just looking for authorization to advertise these Ordinances for enactment at the December 29, 2009 meeting. Mr. Schmidt made a motion to authorize Mr. Fitzpatrick to advertise both Ordinances, one (1) being to establish the ambulance tax and the second to advertise the proposed tax rate increases for each of those items mentioned above; seconded by Mr. Light. Mr. Harting questioned if this will be on the tax bill to which Mr. Fitzpatrick said yes. Mr. Harting voiced his concerns over the ambulance fee. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

The next item was the trash ordinance. He was authorized to advertise an amendment to the Ordinance. It has been advertised for adoption. This was circulated. He reviewed what was in the Ordinance for the audience. This Ordinance will allow for fines to be placed without giving any prior

UNFINISHED BUSINESS (cont'd):

notification. The first offense will be \$50; second offense - \$100.00; third offense \$150.00; and \$300 for each offense thereafter. Mr. Butkus made a motion to amend the trash ordinance; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

The next item was bulk computer hours. The cost is \$4,500 for an additional fifty (50) hours. Mr. Light made a motion to purchase the fifty (50) additional hours at \$4,500; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

The Miller Environmental bill in the amount of \$6,952.50 was next. This bill was for the cleaning out of the primary digester. It is part of the upgrade and expansion at the plant. Mr. Butkus said Council said they were not notified of this. It is in the bid specs. Mr. Butkus explained. Mr. Light said the issue wasn't whether the work needed to be done or not, it was the cost of the work. We weren't aware that it would cost that much. Mr. Light went on to say, that someone stated there might be another bill to pay in addition to this one as well. Mr. Butkus said that he does not have an amount. Mr. Schlott said these bills are being paid however there is a contingency fund where bills like this could be paid out of. This will be part of the PENNVEST loan we are applying for. This cost would be reimbursed to us by PENNVEST as it is part of the project. He does not believe this should be a problem. Mr. Butkus made a motion to pay the Miller bill in the amount of \$6,652.50; seconded by Mr. Light. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

The last meeting of the year will be December 29, 2009. Our tentative budget has been passed and is lying in state. It will be passed at this meeting.

At the last meeting the auditor who has been preparing our audits sent a quote. Mr. Fitzpatrick said he sent out requests for proposal from about nine (9) firms. We did not get responses from all of them but we did get back three (3). Council has in front of them those proposals. Long Borrell's total is \$9,600; Reinhart and Company is \$12,175.00; and Reinsel, Kuntz, Leshar was \$12,500.00. No office staff commented on this. We currently use Reinhart and Company and their bid is more than Long Borrell. This is not a required bid process. This is professional services and Council could award to anyone. Mr. Butkus questioned if Mr. Fitzpatrick had any dealings with these other firms. Mr. Fitzpatrick stated he had with all of them. They are all good firms. Mr. Butkus said this is one area where you don't want to go cheap just for cheap sake. Mr. Butkus feels we should stick with who we have as we have dissolved the Authority this year. Those things we want to make sure we button up securely so he is not sure this is the year we want to bring in new staff. A brief discussion ensued. Mr. Butkus made a motion to stay with Reinhart and Company for this year and if the new Council wants to choose firms they allow themselves enough time to choose; seconded by Mr. Schmidt. AYES -2, NAYS – 2, ABSENT – 3. The Mayor goes with Reinhart and Company. Mr. Fitzpatrick will contact the others.

The next item was Alcon approval. The Planning Commission voted for conditional approval based on four (4) items. The conditions have been met. There is one (1) outstanding condition as it relates to property ownership. There is a sketch plan for record which the applicant has submitted to re-deed properties so they are placed in one (1) deed. The second issue was the Land Development Plan. The outstanding issue was resolved. There was a letter submitted by Mr.

UNFINISHED BUSINESS (cont'd):

Schlott. Mr. Fitzpatrick stated there were two (2) lots that were both titled to the same name. However if they are two (2) separate lots they must meet the side yard requirements and they want to cross over the lots. The best way to resolve is a deed of consolidation and that will eliminate any zoning issues at a very reasonable cost. Mr. Schlott stated a letter was prepared in response to McCarthy Engineering's request for the need for planning modules as well as outlining what their projections are for new employees and those types of things. Based on their current allocated capacity which is 19,665 gallons, and taking into consideration over the next ten (10) years they will be adding roughly 100 employees, it appears there will be a need for additional capacity. It appears they will need an additional 2,120 gallons of capacity a day at some point over the next ten (10) years. That is about eleven (11) EDU's. Mr. Schlott stated there is no need for new planning modules to be completed. There were some concerns about the line capacity, but it appears there should be no surcharging issues according to Mr. Schlott. There were significant I&I repairs made in 2008 on that line which is helping. Mr. Ludgate said that the sewer issue was one (1) of the issues; the property line was the second issue. The third was a letter from Alcon stating they would satisfy our environmental and our zoning standards. That letter has come in. A letter regarding erosion control has been sent in. The last was a review by the Borough's Fire Marshal and they have seen that also. All conditions have been met. Mr. Fitzpatrick said there are two (2) ways to handle the sewage issue. If you don't reserve capacity, there is always the possibility you could lose additional capacity. We can do that or you could acquire the capacity by paying the tapping fees. It is \$2,500 per EDU. It would be \$27,500. The reservation fee is not credited to the tapping fee. No answer is required that evening. We can give approval. Mr. Butkus made a motion to accept the Alcon plans as submitted since they met the conditions; seconded by Mr. Light. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. The Planning Commission will not be having a December meeting. There are no public improvements on this plan. For that reason no security will need to be posted.

Mr. Light thanked the people for their support. He continued it was an honor to work for them over the last several years. He hoped over the last six (6) years he tried to use his best judgment for everyone in this Borough. He again thanked everyone. He wished everyone a very Happy Holidays.

The Mayor had the Burgess Badge. He gave the badge over to the Historical Society. He also had the Mayor's Badge which he will be handing over as well. He has one (1) that he carries all the time and he will keep that badge. He thanked the people of the Borough for their cooperation over the years. The Berks County Association of Mayors presented a clock to the Mayor along with a Proclamation. They thanked Council for allowing them to speak. They called our Mayor "The Dean of Mayor's". He has made his mark across the State.

Mr. Wenrich thanked Council along with the community as a whole for all the kind thoughts, cards, and well wished for his mother who passed away on November 19th. She would have been 90.

Mr. Fitzpatrick had prepared a lease for signature for the riding area. However he appeared the lease was not there that evening for enactment.

UNFINISHED BUSINESS (cont'd):

Mr. Schlott said the working is progressing at the plant. The head works building is essentially structurally complete. Clarifier number three (3), the concrete work is essentially complete and the contractors have started painting the inside of the tank. All the concert work is done in regards to the eight (8) new reed beds. They installed the liner system on four (4) new reed beds. They have placed the walls and gates associated with the flow division box which will divide the flows between the clarifiers. They have begun some of the electrical work at the head works building. This month we have one (1) application for payment which would be number four (4). The amount is \$347,146.00 to Wickersham for period ending November 20, 2009. ARRO recommends the payment. Mr. Butkus made a motion to authorize payment in the amount of \$347,146.00 to Wickersham; seconded by Mr. Light. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. There were some change orders needed. The approved loan from PENNVEST was \$4,088,950 and included a \$291,150 contingency. They would like the Borough's authorization to move ahead and purse the contingency money. Mr. Butkus made a motion to authorize Mr. Schlott to proceed with filing this paperwork; seconded by Mr. Schmidt. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. There are still some small issues at Brookfield to be looked into.

Mr. Hart stated a little bit ago, the Borough entered into an agreement with Four Leaf Energy for the capacitors back at the sewer plant. It had been sized for number two (2) ditch mode. That was installed about four (4) weeks ago. Since that time there was a plan to change ditches and now we are using ditch number one (1). He has a proposal to have that one (1) sized and a capacitor built for that motor. Right now with using ditch one (1) we are not going to reap the benefits for the capacitor on the number two (2) ditch. This group is now being recognized by the State so they are giving a twenty percent (20%) discount on the units that they build. He did ask the manufacturer if we could take the capacitor from ditch two (2) and move it to ditch one (1) and the answer was no. The cost for the additional capacitor on this ditch would be \$2,881.90. Mr. Light made a motion to install the additional capacitor; seconded by Mr. Butkus. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

The first item had to do with Spring Market which is located at the former Boscov site. The traffic engineer has submitted what he hopes are the final submission for obtaining their permits. They have incorporated the suggestions. They are having quite a struggle with PENNDOT people as they are trying to keep as much of the on street parking as they can. Mr. Fitzpatrick questioned if it only affects parking on the south side of Penn which Mr. Ludgate said correct.

With regards to the zoning and Saldo, the Planning Commission has received a completed draft. Each member has a copy and they are to submit their comments and questions to Ludgate and they will try to answer them. They are having a meeting in January and they are hoping to resolve all the issues on the proposed zoning ordinance and then make a recommendation for Council to review and having a public hearing. If that happens, the meeting most likely will happen in March. The Saldo is a bit behind however they are hoping that only one (1) public hearing will take place in March.

The next item is from the County. The County Commissioners have allocated \$75,000 in funding to the Borough for adopting a traffic impact study and transportation impact study. It is required by PENNDOT before performing major construction. The study is to be fully funded by

UNFINISHED BUSINESS (cont'd):

County CDBG funds which will have no future impact on the Borough's future CDBG monies. Mr. Ludgate had a meeting that morning with three (3) County officials. He submitted a memo after the meeting stating with who he met. They were Alan Piper, County Transportation Planner, Ken Pick, Director of the County Community Development, and Glenn Knoblach, who is the County Planning Director. He wanted to get the ground rules on how we would get this money and what were the controls. The County has requested the traffic analysis. They want to find the answer to one (1) question. Does the concept for traffic congestion relief as presented in our official map truly work? That is why they are ready to fund that study. He asked the three (3) gentlemen if this comes out that it will work, and he is sure it will, he believes the County will pitch in and help this project happen. It was then discussed how we get the ball rolling. The Borough will need to select a consultant. They will then submit their choice to the County who will ultimately have the vote to agree with that hire or not. There will be a contract to come out next year between the County and the Borough on how the funds will be disbursed. The Borough won't be able to divert these funds and use it for something else. It must strictly be used for the TIS (traffic impact study). The first step is to request from PENNDOT a list of suitable consultants. The second step would be to send letters to the qualified firms to see if they would be interested in submitting proposals for the work. Number three would be to hold a proposal meeting. The fourth step would be to short list three (3) to five (5) firms and request proposals from them. The fifth step is for the Borough to pick one (1) firm and work out a draft contract. The sixth would be to get the County's concurrence on that selection and approval of the consultant contract; then finally a contract between the Borough and the County. He was hoping to get authorization for items one (1) through four (4) that evening. It would cost the Borough roughly \$2,500 for Ludgate to prepare the work that is needed to be done to select a consultant however that money is already in the budget. Mr. Bernie Campbell stated that the school district is very interested to see these numbers as well, as they were looking for them when they were deciding on the TIF. Mr. Schmidt made the motion to grant Ludgate the authority to move ahead; seconded by Mr. Light. AYES – 4, NAYS – 0, ABSENT – 3; motion carried. Mr. Campbell explained that the newspaper stated that the school board delayed the TIF vote; however that was not what happened. They requested that the school board delay the vote so they could gather more information to insure a more positive outcome. The headline was not exactly what happened.

The next item was the LUPTAP study which we are currently in the middle of. There will be a steering committee meeting the following Tuesday at 8:30 a.m. The discussion that day with the three (3) County officials was that they are very interested in seeing that the LUPTAP study is married to the Traffic Impact Study. That way we are dealing with global issues not just traffic issues.

At the school board meeting what was heard was a lot of skepticism about PENNDOT. He had an article that was recently published. It states that reform is underway in two (2) major states. They are PA and Texas. Mr. Ludgate is seeing this. He went on to explain what he has seen.

Next Tuesday evening Mr. Ludgate will be on TV. The Smart Growth Coalition of Berks County has been very interested in our progress in Sinking Spring. He has been invited to be on TV at 7:30 to discuss this. He shall be interviewed by Mr. John Kramer who is the Smart Growth Coalition guru.

NEW BUSINESS:

The reorganizational meeting will be Monday, January 4, 2010 at 6:30 p.m. The regular meeting will follow.

PUBLIC COMMENT:

Mr. Campbell wanted to thank the outgoing members of Council for their service. Even though we might not see eye to eye on everything he just wanted to thank them for coming to the meetings and spending their time for the community. In addition, he wanted to wish the new Council well. He thanked the Mayor for his long service to the community. Mr. Schmidt and Mr. Light thanked him for his kind words.

Mr. Fitzpatrick found the lease from Mr. Kreider. The terms are \$25 per month. A map was included. Mr. Light made a motion to execute the lease; seconded by Mr. Butkus. AYES – 4, NAYS – 0, ABSENT – 3; motion carried.

Mr. Fitzpatrick stated the Nitka’s have entered into an agreement to purchase a property and so it is moving forward. Mr. Fitzpatrick feels we should have access to the property by January 15, 2010.

TREASURER’S REPORT:

General Account

Opening Balance – November 30, 2009		\$253,632.34
PLGIT		9,089.04
Invest	Recreation	49,525.46
	General Invest	4,385.33
	To Be Paid	<u>(20,666.76)</u>
	Total Acct Funds	\$295,965.41

Sewer Account

Opening Balance – November 30, 2009		\$185,411.24
PLGIT		61,221.97
Invest	Sewer Revenue	421,487.89
	To Be Paid	<u>(29,094.23)</u>
	Total Acct Funds	\$639,026.87

Mr. Light made a motion to accept the Treasurer’s Report; seconded by Mr. Schmidt AYES – 4NAYS – 0, ABSENT - 3; motion carried.

ADJOURNMENT:

Mr. Light made a motion to adjourn the meeting at 9:21 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer