

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, December 1, 2011 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  
Edward Oswald  
George Butkus  
Elizabeth Sloan  
Gary Cirulli  
James Pachulo  
Denise Stine

Other officials present were: Mayor Francis Butkus, Keith Mooney, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, David M. Schlott, Jr., ARRO Consulting, Michael Hart, Public Works Director, Officer in Charge, Lee Schweyer, and Regina Shade who recorded the minutes of the proceeding.

**APPROVAL OF MINUTES:**

Mr. Cirulli made a motion to approve the meeting minutes from 11/3/11 and 11/22/11 seconded by Mr. Oswald. AYES – 7, NAYS – 0; motion carried.

**VISITORS:**

Ms. Deborah Scull read a letter to Council as a business owner in Sinking Spring. She wanted Council to reconsider the tax increase of 1.25 mils. Mr. Wenrich asked how many meetings she attended to which she said about five (5). He said then you would know a committee was formed that reviewed the original budget and made some substantial cuts from the first draft. Mr. Wenrich explained about the people in the office and they are needed and what they do; he said our police department is second to none. He said we have a great fire department. He continued the Revitalization Committee got us \$360,000.00 in grant money to get some street improvements done at the western end of the Borough. He said he is tired of the whispering down the aisle, or gossiping. He wants people to come to every meeting and see what is going on. She said she is a Supervisor at Lower Heidelberg and they have 5,000 residents and they have one (1) secretary. She does everything. Mr. Kremp, of All About You Salon was next. He questioned the health care cost. He said that his company does not pay for 100% of his health care cost. He also said were there numbers pulled together for the cost of the road projects. Mr. Hart said we don't have any road projects listed because we had no idea where the budget was going to go. Mr. Kremp feels we should do a study and see what the real cost would be instead of being railroaded by that increase. Mr. Hart stated no. We need to have money set aside to start the project which is the engineering costs. The best guess we can give is on history. Mr. Wenrich said costs are skyrocketing. Mr. Wenrich asked Mrs. Shade to explain about the health care and what is asked of the employees. Mrs. Shade stated we are bound and it has been a long standing policy not only in our municipality but in every municipality. The non uniformed employee's health care is based on what the uniformed employees get. The police and non uniformed employees pay toward their deductible. Originally the Borough paid for the health care, she explained. When the rates started going up

**VISITORS (cont'd):**

Council at that time looked into ways to keep the amount the Borough pays lows. Council chose to open us HSA accounts for its employees which lowered the monthly premium substantially. However over time that has changed. It was negotiated to have the police pay 25% of their deductible and the non uniformed employees followed. Next year the police contract is up. She believes they already know they are probably going to have to pay toward their health care. That means the non uniformed employees will be paying as well. Mr. Butkus wanted to clear it up that the Borough pays 100% of the premium for the coverage. The employee is paying 25% of the deductible cost. Mrs. Shade stated this is what she said. Mrs. Shade stated government is not like the private sector; we are slower in catching up. We were also slower in giving raises and health care in the beginning when businesses were booming. She believes that the employees both uniformed and non uniformed know the days of not paying a percentage of the cost is coming to an end. Mr. Kremp understood. He had another question regarding charging fees to come to the Borough playground. Mrs. Shade stated non residents pay \$60.00 to come to the Borough playground. It is free to the residents; it is included in their tax dollars that they pay. He doesn't want to pay for daycare. She went on to say things were different this year. The children were charged a fee to go on field trips along with a little extra to help offset the price of the buses. We use to be involved heavily with the County Rec Program but that is almost nonexistent anymore so we are now left to organize our own trips and activities. Mrs. Shade stated we can pass on this concern to the Rec Board for their consideration. Mr. Wenrich stated he understands this is not easy not only on residents but business owners as well; however Council is charged with quality of life issues. He said if we can keep the kids off the street and staying out of mischief then we are doing our job. Mrs. Brown feels we should charge for the playground program because she and other older people don't have children why should they pay for these kids to go to the playground. Mr. Oswald stated that Ms. Scull was talking about the five (5) year plan. He went on to say we need money to have the five (5) year plan and by raising the taxes slightly doesn't give us any money to put away. We barely cover the rise in the yearly costs. She also talks about cutting employees; he asked if we cut employees we will be cutting services as well. He stated the Borough will probably be looking at cutting services at some point. Will the residents be happy with that no, he said. Mr. Cirulli stated he feels making the residents pay for their kids to go to the playground is like giving them nothing for their tax dollar. The older residents' kids went to the playground for nothing, now you are making these people pay; he doesn't seem to think it was fair and they are not getting anything for their tax dollar. Mr. Wenrich said the Rec Board can review this.

**COMMUNICATIONS:**

There were no communications.

**APPROVAL OF BILLS:**

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

**BUDGETS/ORDINANCES:**

Mr. Pachuilto stated he went over the sewer numbers and gave Mr. Hart a chance to review his numbers. Mr. Pachuilto made a motion to accept our sewer budget with the 2012 Miller bid which was \$408,745.00; seconded by Mr. Cirulli. AYES – 6, NAYS -1 (Mr. Butkus); motion carried. Mr. Pachuilto made a motion to accept the Miller contract; seconded by Mr. Oswald. It is a two (2) year contract. Mr. Butkus stated that Council wasn't going to discuss the potential other plan that was talked about. Mr. Pachuilto stated there were no savings. Mr. Mooney stated that there was a motion and a second, the floor is open and a discussion can take place. Mr. Butkus said he was floored that at the meeting last week Mr. Hart was going to refine his numbers and there was no discussion. Mr. Butkus stated the public has no concept of what the other plan was. Mr. Pachuilto stated the floor is open if you want to discuss it, than discuss it. Mr. Butkus asked Mr. Hart to explain his proposal of bringing the plant in house. Mr. Hart said he spent a lot of time looking at what we were spending under the Miller contract. He looked at the services we could provide by using Borough employees, not the current employees, but hiring new employees to run the plant for us. He came up with a series of numbers that doesn't just affect the sewer plant but it touches on public works and code enforcement as well. It is a broadband idea. The first concepts of the plan, which he threw numbers together on, were really high. Since then, he went back and got better numbers for some of the items, and got extremely close to the current bid. It is a little bit higher; however there are three (3) categories' where he is aiming higher on. This would be by staffing the plant with four (4) people which is not the way to go. He feels we should have it staffed with the four (4) employees but have them fall under Mr. Hart's supervision so he can manage them. This plan increases the total. However it will decrease the General Fund budget. The numbers are close. Mr. Hart said we can utilize them during snowstorms as well. Mr. Wenrich asked who is running the plant. Mr. Hart said you can't utilize all of them. Mr. Hart said the plant can be operated by two (2) people in an emergency. Mr. Cirulli questioned if this included benefits to which Mr. Hart said yes. A brief discussion ensued how the snowplowing would work as well as the cost for each employee. Mr. Butkus figured that the benefits of the plan outweigh the minimal cost differential and gives us the long term ability to retain the staff. Mr. Pachuilto said even though numbers have changed with Miller, we have had a great track record with Miller and the DEP. They run the plant; Council continues to have control of what happens at the plant. He said that Mr. Hart did a great job and perhaps someday we will be able to take it back in house but not now. We do have cost savings with Miller and he thinks we should go with Miller for the next two (2) years. Mrs. Stine does not feel we will be able to get licensed operators for \$60,000.00 or below per year. She works in that field. Mr. Juzyk addressed Council on how long their employees have been with Miller as well as how long they work at the plant. Mr. Oswald stated he would love to bring it back in house however he feels with these numbers from Miller, now is not the time. A discussion ensued as to what the DEP expected of us and the sewer plant. Mr. Wenrich feels we are trying to save the residents money while giving the DEP what they want. Mr. Wenrich stated we represent all 4,000 residents and at that meeting there are only a handful of those residents at that evening's meeting. Mr. Oswald asked for a roll call vote. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried. The next item was the Ordinance for the increase of the General Fund Tax increase. We also have the Resolution to increase the trash fees. Mrs. Stine made a motion to pass the ambulance tax at a new rate of .26 and fire at .87 mils; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried. Mr. Pachuilto made a motion to approve the tax ordinance as advertised increasing the millage by 1.25 mils; seconded by Mrs. Stine. Mr. Wenrich asked for a roll call vote. AYES – 5, NAYS – 2 (Mr. Butkus and Ms. Sloan); motion carried. The next item was the trash resolution.

**BUDGETS/ORDINANCES (cont'd):**

Mr. Wenrich read the resolution to the residents in attendance. The annual trash collection contract went up this year so we needed to raise the rates the residents are paying by \$15.00 annually. It will be spread out over the course of the year and will appear on the sewer bill as part of your refuse collection fee. Mr. Oswald made a motion to adopt the rate increase resolution for the collection of refuse; seconded by Mrs. Stine. AYES – 7, NAYS – 0; motion carried.

**WESTERN BERKS FIRE DEPARTMENT:**

Mr. Weidner was unable to be at the meeting. Their monthly report is in the binder. Mrs. Shade stated this upcoming year the fire department will be going from a Council person and a Citizen at Large to just one (1) representative. They are requesting a decision from Council on which way they would like to go. Currently, Mr. Pachuillo is our Council representative and Mrs. Deb Bohn is the Citizen at Large. Mrs. Shade stated they didn't have to appoint anyone at this time; they were just looking on which way the Borough was intending to go. Mr. Butkus would like to see it be a Councilperson as they will have the ability to get in touch with Council if necessary. He went on to say that things are running smoothly now but who knows what might happen. Mr. Wenrich asked Mrs. Shade to inform them of their decision.

**MILLER ENVIRONMENTAL:**

Mr. Peter Juzyk thanked Council for allowing Miller to continue. He gave the report for November, 2011. Mr. Juzyk stated he was sorry to report there was one (1) violation back at the plant this year. It is not a violation of anything that was discharged into the Cacoosing Creek. On November 25, 2011 an incident occurred where a valve was left open to one (1) of the reed beds. They accidentally overflowed that reed bed. There was a discharge to the ground. It worked its way to the storm swale before spill control measures were taken. The spill or anything else involved with the spill reached the Cacoosing Creek. It was cleaned up within four (4) hours and he contacted DEP within forty five (45) minutes of when the spill happened. A DEP Water Quality Specialist was on site before cleanup started and he was present for the majority of the cleanup. He issued a written response to the incident and a copy is attached to the report. Mr. Butkus questioned when he let someone from the Borough know about the incident. Mr. Juzyk stated probably when he issued the written response to the DEP. Mr. Butkus asked when that was to which Mr. Juzyk stated that week. Mr. Butkus had an issue with that. He said we had a sludge issue at the plant and we only hear about it through an e-mail yesterday. He had an issue with that. He said it was a simple courtesy call as we are holders of the permit. He realized you are the operator on site and you did call DEP but the seven (7) of them should have known ahead of time in case any discussions or questions would arise. Mr. Juzyk said he realizes that now and he apologized. He said it was incredibly hectic time. Mr. Wenrich stated in January perhaps the sewer committee can work with Miller to create an emergency program protocol. Mr. Schlott stated in the RFP it was stated that within an hour after a problem arises the Public Works Director must be notified. The next item, Mr. Juzyk began the 4<sup>th</sup> quarter commercial monitoring and the 2<sup>nd</sup> set of industrial monitoring. The majority of the sampling has been completed. Mr. Juzyk stated back at the August meeting Council approved the replacing of the bearing housing and associated items on the RAS Pump 2 including labor not to exceed \$3,000.00. He contacted Kappe Associates for an updated quote. He never received the quote they say was dated September 14, 2011 until the first week of

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

November. The total parts and labor are now \$3,561.43. Mr. Butkus made a motion to authorize the payment not to exceed \$3,600.00 for the repairs to the RAS Pump 2; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. A discussion ensued to the reed beds and their disposal of them.

**REVITALIZATION:**

Mr. Ludgate said the committee continues to be active. They are working hard. There was an issue with the planters due to the October snow. He said there is a maintenance contract and the maintenance people have been notified and they are trying to correct all the problems. Mr. Wenrich stated Mr. Adams was at a meeting and stated the Revitalization Committee secured the \$360,000.00 grant project for the west end of town. Mr. Ludgate said this actually started back with the Council President in 2007 when he was concerned about the stagnant tax base. It was a very justifiable concern as you can see now. He felt we need to spur revitalization in the Borough. It has been done and the \$360,000 is just one (1) of those things. Spring Market, monies donated to the revitalization effort by ALCON, and other contributions one (1) being \$75,000.00 from the County Commissioners for the traffic study have helped as well. Mr. Hughes at McDonald's is improving his facility in response to the Borough's efforts. Mr. Ludgate explained the project and its potential costs and benefits.

**UNFINISHED BUSINESS:**

The first item was the Ag Ordinance. Mr. Mooney said this should probably be held off till next year as he didn't believe he received authority to advertise the Ordinance. He thought Council was going to get back to him with any changes and he hasn't received any. The draft was distributed before the November meeting. Mr. Oswald said we should finish this and not throw this to the new Council. Mr. Mooney stated he can advertise this for the December 28<sup>th</sup> meeting. Mr. Oswald made the motion to advertise the Ordinance; seconded by Mrs. Stine. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried.

The next item was the McDonalds/Hughes plan. Mr. Ludgate had drafted a letter stating that the Borough Planning Commission recommends approval of this plan subject to several conditions. The plan was then revised and resubmitted. Ludgate Engineering has reviewed the plan and feels it is adequate to conform subject to granting of waivers recommended by the Planning Commission. The waivers that were recommended will need Council action. They were provided in a letter to the Borough by Bohler Engineering dated 11/23/11. There are five (5) waivers. The first waiver to permit filing of a joint preliminary/final plan; a waiver of a traffic impact study; grant a waiver of a hydro-geological study; the next waiver has to do with a parking lot waiver. Mr. Michael Jettner of Bohler Engineering along with Erich Schock of the Fitzpatrick Lentz & Bubba addressed Council on this issue. Mr. Butkus made a motion to accept the five waivers recommended by Ludgate Engineering; seconded by Mrs. Stine. AYES – 7, NAYS – 0; motion carried. Mr. Ludgate stated that the second part of this is to accept final approval subject to conditions. There are three (3) conditions. The solicitor review of the easements and financial arrangements; there are easements required. Mr. Mooney did receive them and he is reviewing them. Mr. Schlott has drafted letters with minor comments. Mr. Ludgate recommended that the McDonald's plan be approved with the

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

three (3) conditions again being, the Solicitor's review, outside agency review, and the third is the revised signed and sealed plans. They also recommend if Council grants approval that the plans be held until it is verified that the conditions have been met and then the plans can be released for recording. Mr. Pachulo made a motion to approve the McDonald's plan conditionally; seconded by Mr. Butkus. AYES – 7, NAYS -0; motion carried. The next plan is the Robert Hughes plans and it has waiver issues as well. It has two (2) waivers. The first one (1) is the preliminary/final plan application being concurrent. The second waiver deals with the pipe size. The design of that facility has a 15 inch pipe because that is what works hydraulically. The Borough Ordinance currently has an 18 inch pipe. Mr. Ludgate and Mr. Hart discussed whether we need that in the Ordinance and whether the Ordinance should be revised. But it does say 18 inch however the 15 inch pipe is sufficient and a waiver has been requested. Both the waivers are recommended by the Planning Commission. If Council pleases, you would need to consider the waivers. It is a stormwater pipe. Mr. Butkus feels we should make them go with the 18 inch pipe. You can never have to big of a storm runoff, Mr. Butkus said. Mr. Ludgate stated that the issue is that pipe has to fit through the utilities that are already on Penn Avenue. If you make them make them larger you are going to incur a great expense and there is no hydraulic reason. Mr. Butkus understands that now. Mr. Oswald made a motion for the 15 inch pipe waiver; seconded by Mrs. Stine. AYES – 7, NAYS – 0; motion carried. Ms. Sloan made a motion to combine the preliminary and final plans and not to release them until all the conditions are met; seconded by Mrs. Stine. AYES – 7, NAYS – 0; motion carried.

**NEW BUSINESS:**

Mr. Wenrich stated that Council received a letter from the Berks County District Attorney in regards to Crime Alert Berks County. They are asking a donation of \$250.00 or more so the money can continue to support tipsters for their information when that leads to a crime being solved or someone being arrested. Mr. Butkus made a motion to donate \$250.00 to Crime Alert; seconded by Mr. Cirulli. AYES – 7, NAYS – 0; motion carried.

The next issue was the Berks County Intermediate Unit billing contract. Mrs. Shade stated the bills have always been prepared by the IU. At some point they must have come up with a contract to prepare these bills however it appears about five (5) or six (6) municipalities never received these contracts. The amounts that are charged are what we have been paying. This came to our tax collector who forwarded the agreement to Mrs. Shade. Nothing has changed it just states that we will use them for the next two (2) years. Mr. Butkus made a motion to sign the contract with the Intermediate Unit for the printing of the bills; seconded by Mrs. Stine. AYES – 7, NAYS – 0; motion carried.

Holiday Happenings will be occurring Wednesday, December 7, 2011 at 7:00 p.m. here at the Borough Hall.

The next item was the resolution establishing meeting dates for 2012. The dates will continue to be the first Thursday of every month at 7:00 p.m. and the workshop meetings will be the fourth Wednesday at 7:00 p.m. Mr. Butkus asked Mrs. Shade if we got any feedback from the new Councilpeople if that suits them. Mr. Pachulo said it suits the majority. Mr. Oswald made a

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

motion to establish those dates; seconded by Mrs. Stine. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried.

The next item was a resolution waiving the police contributions into their pension plan for the year 2012. Mr. Oswald made a motion to waive the contribution; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

The last meeting for the year will be December 28, 2011 at 7:00 p.m. This will be the bill paying meeting and clean up whatever loose ends might need to be resolved. This is usually a very short meeting.

The Reorganization Meeting is Tuesday, January 3, 2012 at 6:30 p.m. followed by the regular meeting at 7:00 p.m. Mr. Pachulo will be out of town but he will be available by phone so he can be part of the reorganizational meeting.

**EXECUTIVE SESSION:**

Council went into executive session at 8:27 p.m. for a personnel matter.

**RECONVENE:**

Council reconvened at 8:35 p.m. Mrs. Stine made a motion to hire Officer in Charge Schweyer as our new police chief subject to the employment agreement as worded and amended; seconded by Mr. Cirulli. AYES – 7, NAYS – 0; motion carried.

**PUBLIC COMMENT:**

There were no public comments.

**LIBRARY – DENISE STINE:**

The library would like to advertise to hire a part time person to work Thursday evenings and to fill in when needed at the rate of \$8.50 per hour. They will be advertising in the Merchandiser. Mr. Butkus made the motion to authorize the advertising; seconded by Mr. Cirulli. AYES – 7, NAYS – 0; motion carried.

**SEWER ENGINEER – DAVID M. SCHLOTT, JR.-ARRO COUNSULTING:**

Mr. Schlott stated with the appointment of Miller, he was asking Council for their approval to authorize himself and the Solicitor to finalize the contract. Mr. Butkus made the above motion; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried. Mr. Schlott requested Mrs. Shade or someone send a letter to the other bidder thanking them for their bid, however they were not chosen. Mr. Oswald made that motion; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

**MAYOR BUTKUS:**

Mayor Butkus questioned if we need to swear Chief Schweyer in. Mr. Mooney stated yes. Chief Schweyer said he can do that before the District Justice.

**COUNCILMAN – EDWARD OSWALD:**

Mr. Oswald stated that he is very interested in looking at some intermunicipal agreements with surrounding municipalities for the sharing of some expenses. He would like to get some of the new Councilpeople involved.

**COUNCILMAN – JAMES PACHUILO:**

Mr. Pachuillo wanted to wish everyone a happy Holiday Season. He also thanked Mr. Wenrich and Ms. Sloan for serving on Council with them. He stated there are still ways you can serve the Borough on various committees.

**COUNCILWOMAN – ELIZABETH SLOAN:**

Ms. Sloan thanked Council and stated she truly enjoyed working with everyone.

**CHIEF SCHWEYER:**

Chief Schweyer stated he received a quote to alarm the new evidence room downstairs from our alarm company. The cost will be \$594.00. Mr. Butkus made a motion to authorize the moving and alarming of the evidence room at a cost not to exceed \$600.00; seconded by Mr. Pachuillo. AYES – 7, NAYS – 0; motion carried. He stated at a Council meeting prior they had spoken about the bicycles that were in the basement. Chief Schweyer contacted the other police departments in the area and anybody that might have had their bike stolen came and looked at our inventory. No bikes were taken. We now have twenty (20) bikes. Mr. Butkus made a motion to donate the twenty (20) bikes to the previous discussed institution which is Devereux; seconded by Mr. Cirulli. AYES – 7, NAYS – 0; motion carried.

**TREASURER REPORT:****General Account**

Opening Balance – October 31, 2011	\$175,430.28
PLGIT	9,113.34
Invest	40,169.46
Recreation	64,219.58
General	131,699.29
Deposits as of November 30, 2011	79,340.69
Checks Written	79,608.49
Payroll	2,785.50
PENNVEST Auto Debit	22,235.03
National Penn Bank Auto Payment	2,170.00
Non-Uniformed Pension Fees	



**TREASURER REPORT (cont'd):**

To Be Paid	<u>23,598.35</u>
Balance as of December 1, 2011	\$248,415.17
 <u>Sewer Account</u>	
Opening Balance – October 31, 2011	\$349,655.15
PLGIT	61,393.71
Invest	322,435.69
Deposits as of November 30, 2011	108,087.33
Checks Written	132,833.67
PENNVEST Auto Debit	19,308.91
To Be Paid	<u>336.25</u>
Balance as of December 1, 2011	\$689,093.05

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

Mr. Wenrich thanked Council for the experience. He said he tried his best and mistakes were as they are only human. He went on to say that they converted the east end of the Borough from a vacant lot into businesses that appear to be doing well. He wished Council all the best of luck. He said a lot of the people attend one (1) or two (2) meetings and get their information via hearsay. They don't know how the Borough actually works. They operate a business for profit. They don't know what it takes to run a Borough or the scope of the work involved. He definitely wishes this Borough to continue to exist.

**ADJOURNMENT:**

Mr. Butkus made a motion to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

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Regina M. Shade  
Borough Secretary/Treasurer