

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, December 2, 2010 at 7:11 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 (arrived 7:45 p.m.)
Dennis Leiby (absent)
James Pachulo
Denise Stine

Other officials present were: Mayor Francis Butkus, Keith Mooney, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, David Schlott, Jr., ARRO Consulting, Michael Hart, Public Works Director, Police Chief, James Oxenreider, and Regina Shade who recorded the minutes of the proceeding.

Mr. Wenrich requested a moment of silence for all police and fire departments along with the service people in harm's way as well as their families. In addition, he asked for Councilman Leiby and his family to remain in their prayers as he is back in the hospital and not doing very well.

The meeting did not begin at 7:00 p.m. due to the fact there were two (2) public meetings held prior to the regular meeting.

APPROVAL OF MINUTES:

Mr. Butkus asked the meeting minutes from November 15, 2010 be changed to reflect that he did not work at Hershey Foods, but the Hershey Medical Center. Mr. Oswald made a motion to approve the minutes from the 11/4/10 and 11/15/10 meetings with the correction noted by Mr. Butkus; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT - 2 (Mr. Leiby and Ms. Sloan); motion carried.

APPROVAL OF BILLS:

Mr. Pachulo made a motion to pay the bills; seconded by Mr. Oswald. AYES – 5, NAYS – 0, ABSENT - 2; motion carried.

COUNCIL PRESIDENT – STEWART WENRICH:

Mr. Wenrich had a question for Chief Oxenreider. He asked if it was a given that Officer Moyer does not have to wear his police uniform. Chief Oxenreider stated he presented to Council regarding him being a detective for the County. He stated perhaps he did not make it clear but he also wanted him to do detective work for the Borough as well, to clear up old cases. At times he does patrol and does wear a uniform. Mr. Wenrich asked if he does detective work for the County

COUNCIL PRESIDENT – STEWART WENRICH (cont'd):

to which the Chief responded he is currently working on a case right now. Mr. Wenrich said he spoke to Mr. Gumbar of the D.A.'s office and he questioned the Chief if he had done any work for the County. The Chief stated not that he is aware of. Mr. Wenrich said when he does that detective work for the County we are to be reimbursed to which Chief Oxenreider said exactly. Mr. Wenrich said we don't have a detective status currently in our police department. The Chief questioned if this meant on the pay scale. Mr. Wenrich said, title, pay scale, whatever we don't have a detective slot in our police department that he is aware of; he asked Chief Oxenreider if that was correct. The Chief stated that was correct. Mr. Oswald questioned if we have a policy regarding uniforms. Mr. Mooney was not aware of any. The Chief said no. Mrs. Stine questioned if we need an executive session to which Mr. Wenrich stated we do. There are a few personnel issues that need to be discussed.

EXECUTIVE SESSION:

Mr. Wenrich requested an executive session at 7:16 p.m. for personnel matters.

RECONVENE:

Council reconvened at 8:32 p.m. Mr. Wenrich stated the executive session was to address personnel matters. Mr. Butkus made a motion to discontinue the employment of Troy Grim during his probationary period due to the failure of meeting the expectations and needs of the position effective December 3, 2010; seconded by Mr. Pachuillo. AYES- 6, NAYS – 0; ABSENT – 1 (Mr. Leiby); motion carried. Mr. Butkus made a motion to authorize Mr. Hart to contact another applicant and see if they are still available and still interested in the position; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Butkus made a motion if that fails then he would like to authorize Mr. Hart to contact an employment staffing agency to fill the position on a temporary to potentially full basis; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mrs. Stine made a motion to have our police officers while on duty in the Borough to be in police uniform at all times; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

BUDGET:

Mr. Pachuillo made a motion to pass the Ordinance keeping the fire tax at .85 mils and the ambulance tax at .25 mils; seconded by Mr. Butkus. Mr. Wenrich asked for a roll call vote. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The next item was the General Fund Ordinance. Mr. Pachuillo made a motion to pass the Ordinance raising the millage by .75 mils to 3.94 mils total; seconded by Mr. Oswald. Mr. Wenrich asked for a roll call vote. AYES – 4, NAYS – 2 (Mr. Butkus and Ms. Sloan) ABSENT - 1; motion carried. Mr. Pachuillo made a motion to pass the 2011 General Fund budget; seconded by Mr. Oswald. Mr. Wenrich asked for a roll vote. Ms. Sloan stated she didn't have a problem giving the employees a raise but she knows that last year there was discussion about giving employee evaluations and she wondering where we stood with that. That is what businesses do. She feels we should get some feedback. Mrs. Shade stated we are in the process of getting this done but it is a many step process. We need to start and work our way up. We need job descriptions which we currently do have formal descriptions. In addition, part of the

BUDGET (cont'd):

process is rewriting the handbook and that has been completed. It will be presented to Council in January. This is the first step. Mr. Pachuillo stated that we have begun the process. Ms. Sloan said she appreciates that however it shouldn't take two (2) years to get this process established. Mr. Oswald does agree with Ms. Sloan in the evaluation process however he wants it done correctly and by the book. Mr. Wenrich said that was one (1) of the reasons we went with VIST because they do offer the human resource backing we need. Mr. Oswald questioned when we started with this. Mrs. Shade said they came on in June and we have been working on this however we have had a few personnel issues that have come up and taken precedence over the handbook. Mr. Butkus questioned if we have a timeline when this system will be in place. Mrs. Shade said the handbook will be presented in January. She has a rough draft which she could present to them now. Mr. Oswald stated that Council would need to approve that, to which others said yes. Mr. Wenrich said by the end of the first quarter we should have it. Mr. Butkus said after we approve of the handbook then there is nothing else we will have to go through but the evaluations themselves, is that correct? Mrs. Shade stated she didn't ask if we have the handbook can we go right into the evaluations. She does know they need good job descriptions as well. Mr. Mooney has seen the handbook. Mr. Wenrich wants the evaluations done by the end of the first quarter. Ms. Sloan stated her vote is no raises until the evaluations are done. Mr. Wenrich told Ms. Sloan she had an entire year to bring this up. Ms. Sloan said we all agreed to it. Mr. Oswald said that VIST just came in and we need to be fair to them. They are working on it but we had some other personnel issues that arose in the Borough that they ended up working on. Mr. Wenrich questioned if there was any more discussion on the budget. There were no more questions so Mr. Wenrich asked for a roll call vote. AYES – 6, NAYS – 2 (Mr. Butkus and Ms. Sloan), ABSENT – 1; motion carried. Mr. Pachuillo made a motion to pass the sewer budget with no increase; seconded by Mr. Butkus. Mr. Wenrich requested a roll call vote. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Pachuillo said there was one (1) more item related to the budget and that would be the trash. Mr. Pachuillo made a motion to charge residential dwellings as well as commercial properties an additional \$10.00 per year; seconded by Mr. Butkus. Ms. Sloan questioned how it worked out with the numbers regarding the trash haulers. Mrs. Shade stated she gave them the Borough's numbers and she has heard no objections from the hauler so to the best of her knowledge they are in agreement. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Wenrich had a question for Ms. Sloan. He asked her when was the last Library Board meeting she attended. Ms. Sloan stated the one (1) before the last one (1). He asked if she was to inform Council of a new employee. Ms. Sloan stated not that she was aware of. She said they had voted on two (2) people that came in and they were part timers. Only recently one (1) came aboard. Mr. Wenrich stated the Library has been desperately trying to get a hold of her because they have the new employee on and we don't have approval. Ms. Sloan said she had a family emergency. Someone in her family was hospitalized. Mrs. Shade stated the new employee that they wanted to add has already quit so she was paid. Mr. Butkus said she did clock the hours. Mrs. Shade said they will be looking to hire another person she believed. Mr. Butkus questioned what her pay rate was to which Ms. Sloan said she believed it would be \$9.00 per hour. Mrs. Shade stated she didn't think it was \$9.00; somewhere around \$8.00 something she believed. Mr. Butkus made a motion to authorize the payment to the said employee for the hours she worked not to exceed the \$9.00 per hour at the going pay rate for that position; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0,

BUDGET (cont'd):

ABSENT – 1; motion carried. Mr. Wenrich asked Ms. Sloan what her current residence is. Ms. Sloan stated 301 Broad St. Mr. Wenrich said that is your residence now to which Ms. Sloan said yes. He said okay. He said we have been trying desperately to get in touch with you and with no calls coming back and driving by the house to seeing it all dark we began to wonder. Ms. Sloan said she was out of State. Mr. Wenrich said okay.

VISITORS:

Mrs. Shade stated she was given a note to read to Council from Mrs. Kathy Miller regarding the Revitalization project. She had to leave due to her work schedule. Mrs. Shade read the letter updating Council on where the project stood. Mrs. Miller is on the Design and Rehabilitation Team. The letter will be attached and become part of the permanent record.

COUNCIL PRESIDENT – STEWART WENRICH:

Mr. Wenrich questioned what was outcome of the vote on the passage of the General Fund Budget. Mrs. Shade stated four (4) ayes, and two (2) nays. Mr. Wenrich asked Mayor Butkus what were his thoughts on the budget. Mayor Butkus said in regards to what. Mr. Wenrich said would you approve the budget. Mayor Butkus said he sees a number of people in the audience and he has no idea what their thoughts are. Mr. Pachuillo said it appears to be approved. Mr. Wenrich said a majority of Council voted for it. Mayor Butkus said he doesn't know what he is going to do right now. Mr. Oswald said we don't have time for this. He said we have twenty eight (28) days left; he continued that the Mayor probably knows what he is going to do. We will need to go through another ten (10) day period again. We can't go into February like we did this past year. Mr. Pachuillo asked what the statue of limitations on passing the budget is. Mr. Pachuillo said it passed let's move on. Mr. Mooney said it passed unless the Mayor vetoes the Ordinance establishing the millage rate. Mr. Pachuillo questioned why he can do that. He asked if he can do that on December 29th. Mr. Mooney said no; it would have to be vetoed before the next meeting. Mr. Oswald said we don't have the luxury of going into next year. Mr. Wenrich said then we will just turn ourselves over to the State. Mr. Oswald stated there are people in the audience wondering if the Borough of Sinking Spring will exist as a Borough after December 31st. He believes we owe them that answer that evening not in twenty (20) or thirty (30) days from now. He said this is ridiculous; we are getting into the same pattern that we were into last year. Is this the way that it is going to be from now on? Mr. Mooney said the Mayor has ten (10) days with the tax ordinance. He needs to approve or veto within the next ten (10) days. Mr. Wenrich said that would be the 13th. Ms. Sloan questioned if the other items will automatically go into effect to which the answer was yes. Mr. Mooney said the Mayor does not get to veto the budget; it gets to veto the tax ordinances. So if he vetoes the tax ordinance by the 13th, Council has to wait ten (10) days to revote to override the veto. If you would wait to veto till the 13th, you could have a special meeting on the 23rd to try and override the veto. A brief discussion ensued. Mr. Wenrich stated we have hammered this budget out as hard as they can. Mr. Pachuillo stated it is an income issue not an expense issue. Mr. Wenrich stated he asked the people three (3) times that evening if anyone wanted to address Council and no one responded. Everyone knows we are talking about the budget. He said Mr. Leiby was behind this budget and unfortunately he can't be reached. Mr. Pachuillo asked how many people came to view the budget as it was hanging in the Borough Hall. Mrs. Shade stated none that

COUNCIL PRESIDENT – STEWART WENRICH (cont'd):

she was aware of. Mr. Butkus said it was on the website as well. Mrs. Brown said no one would give her a copy of the budget to which Mr. Oswald stated he didn't believe that was true. A brief discussion ensued regarding her getting a copy of the budget. Mrs. Brown said she was refused a budget. Mrs. Shade asked who she spoke with. Mrs. Brown stated she doesn't see her here that evening. Mrs. Shade stated there is only three (3) in the office and we are all here that evening. Mrs. Brown kept stating she wasn't a lair. Mrs. Shade questioned Mrs. Brown when she came into pick up her seat cushion why she didn't ask for a budget at that time to which Mrs. Brown said it was before that. Mrs. Brown stated she was in before and asked for it so she wasn't going to ask for it again. She said she was told to go home and get it off the internet. Mrs. Brown wants to know why they aren't given the budget. She wants to be given the budget to look at. Mr. Butkus said Mrs. Brown did call him after she couldn't get a copy of the budget here and he printed her off a copy. Mr. Wenrich stated then she actually did get a copy of the budget. Mrs. Brown said she does have a copy of the budget. Mr. Wenrich again said he asked the visitors if they had anything they wanted to discuss and not one (1) person had a question about the budget. Mr. Wenrich says he is a property owner and pays taxes and he understands it will hurt but .75 mils is \$75.00 for each \$100,000 in assessed value is minimal. Mr. Wenrich asked Mayor Butkus to reflect back upon this: four (4) of Council voted for it, and two (2) voted against it and Mr. Pachuillo who had spoken to Mr. Leiby and Mr. Leiby would have voted for the budget himself. Mayor Butkus said he didn't say he wouldn't sign it but he didn't say he would sign it. Mr. Oswald said to leave the Borough in limbo is not right. Mr. Pachuillo said if it wouldn't have that increase would we go back to the 3.19. Mr. Mooney said no, we would have to pass a tax ordinance. Mr. Pachuillo said if we don't have a tax increase are we just going to have to go into the line of credit and just pull it out to be able to exist. So instead of the taxpayer's that are using the services here and now, we are going to pass it on to our children and grandchildren because we just keep borrowing, borrowing, and borrowing. Mr. Wenrich stated we stripped the road repair project last year and he is not sure how much is built into there right now. Mr. Oswald said no one likes a tax increase but evidentially it will catch up to you. We can take it in a small bite or we can take one (1) huge bite. Mr. Oswald believed Lower Heidelberg's taxes doubled. He asked if people could imagine ours doubling. Mr. Wenrich told the Mayor we are at the 23rd hour and here you are making a grand stand. That is the best way he can put it. He told the Mayor he doesn't have the best interest of all of the citizens of Sinking Spring in his heart which he was sworn to do. That was all that was going to be said; he moved on.

COMMUNICATIONS:

There were no communications.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Jeffrey Weidner stated Council received a copy of their report for November, 2010. For the month of November they responded to a total of 53 incidents. Eight (8) of them were in the Borough. They had an average turnout of twelve (12) people per call. He thanked Council for their support this past year. He believes we are moving in the right direction and is looking forward to 2011. Council thanked him as well as his staff.

MAYOR FRANCIS BUTKUS:

Mayor Butkus stated that a week prior he was at a meeting of the Eastern Water Pollution Control Board. He accepted an award on behalf of the Borough of Sinking Spring because Miller Environmental hosted the regional meeting at the plant followed by a luncheon at the Green Valley Country Club. Mr. Juzyk said they too have one (1) at the plant. In addition, Mr. Juzyk had a plaque he presented to Council as well. Mr. Wenrich thanked Mr. Juzyk for a job well done. The staff at the plant received an award for collection system safety.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk presented a \$15.00 check to the Borough. It was a rebate on their copier. Mr. Peter Juzyk gave the report for November, 2010. He has had no response back from Rita's pertaining to the second quarter monitoring and likewise they have not responded back to their permit renewal. Mr. Juzyk stated he believed their permit expired on June 30th. They are currently closed for the season. They were issued a notice for failure to renew their permit and that was sent out by certified mail and someone did sign for it. He asked if the next step was to have the Solicitor send out correspondence. Mr. Mooney stated he will get together with Mr. Juzyk. He stated all the other information was in the report. They had a fairly average month. They had about 3.5 inches of rain. All of the loading data is within plant design. Things are working well. The upgrades are all working smoothly however they are working at getting some minor items tweaked. Mr. Wenrich asked how the weather affected the plant the day prior. Mr. Juzyk didn't know what the overnight totals were however there were no issues at the plant. They did not have to place the second oxidation ditch into service. Mr. Wenrich congratulated Mr. Juzyk on his award.

REVITALIZATION PROJECT:

Mrs. Shade had read their report earlier. Mr. Ludgate stated he had one (1) item to bring up which he will address later.

UNFINISHED BUSINESS:

The first item was the TTC regarding the Local Service Tax Collector. Mr. Mooney stated there was a document that needed to be signed. The document was terminating the current contract for the EIT collection with Berks EIT Bureau because we are entering into a new contract through the TCC. We voted at the last meeting to enter into the new agreement so all it takes is Mr. Wenrich's signature on this letter to terminate the contract. It is the same company that collects it now. Mr. Wenrich signed the letter. We will stay with our tax collector for the collection of the Local Service Tax. No motion was necessary to stay with our tax collector.

Holiday Happenings will be Wednesday, December 8, 2010 from 7:00 p.m. to 9:00 p.m. here at the Borough Hall. It was postponed from the past Wednesday due to the inclement weather. He urged everyone to attend.

NEW BUSINESS:

The first item was the RATS pre-application meeting. Mr. Ludgate stated Mr. Meas, Chairman of the Revitalization Committee sent Council a memo regarding this issue. BOSS2020 authorized a representative to attend a meeting on December 8 which is a pre-application meeting to apply for funding under the Berks County Transportation Enhancement Program. Under that program there is 1.17 million dollars available for a number of projects in Berks County. There is a selection process. A grant application must be made by January 28, 2011 and in order to be able to submit for the grant you must attend the mandatory meeting on December 8th. He was there to ask Council to authorize a member from their firm to attend the December 8th meeting on behalf of Sinking Spring so that we can apply for a grant. Grants can be used for many different purposes. A grant to improve public safety would fit very well with this program. He explained about the corner on Hull Street. He said there needs to be a physical thing to slow them down at that corner. It is a curb extension. He believes there are three (3) places along the western part of Penn Avenue where safer pedestrian crossings could be installed and a grant application for this would fit into this program. In order to be eligible we must go through the December 8th meeting and submit an application by January 28th. Mr. Wenrich said with that application is there any funding needed. Mr. Ludgate stated no particular funding; just the cost to attend the meeting which comes out of the normal charge. Mr. Wenrich asked if we will need a bond or anything. Mr. Ludgate stated the Borough will have to show the ability to pay upfront because it is a reimbursement project. That is true with many of these construction funding issues that come up. Mr. Ludgate feels improved pedestrian traffic on Penn Avenue should be an important consideration and this might be a way to achieve it. Mr. Pachuillo made a motion to authorize someone from the engineer's office to attend the meeting; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

The next issue was establishing the last meeting date for 2010 to pay the bills. It was decided that Monday, December 27th would be the meeting day. Ms. Sloan asked how many people you need to which Mr. Wenrich stated at least four (4). Ms. Sloan said she has illness in her family but she can travel down over the weekend so Monday is her best shot.

Exonerations for the collection of trash were next on the agenda. The list was presented by the tax collector. Mrs. Stine stated that Dr. Perea's office was putting trash out. A brief discussion ensued and we agreed to monitor the situation. Ms. Sloan made a motion to exonerate the tax collector from collecting taxes on her report; seconded by Mr. Pachuillo. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. The list will be attached and become part of the permanent record.

POLICE CHIEF – JAMES OXENREIDER:

Police Chief Oxenreider stated Mr. Thomas Baynard who works for our risk management carrier sent a letter regarding the new policy and procedure manual he submitted to him. Mr. Baynard reviewed them and he basically supports the new manual's procedures for the police department. Chief Oxenreider asked Council to approve and adopt the manual as written. The Chief will need to make several copies of the book. Mr. Butkus would like the Chief to at least e-mail it to everyone so they can read it. Chief Oxenreider made the suggestion to place it on a CD and get them to Council for their review. His second request is in regards to Officer Travis Fritz. Officer Fritz is expecting a baby at the end of this month. He is requesting the whole month of January off for Family Medical Leave. He would like to use his sick time. The Chief did some

POLICE CHIEF – JAMES OXENREIDER (cont'd):

research on the FMLA. It was established in 1993. It gives the father up to 19 weeks unpaid; but it is up to the employer if he is allowed to use his sick time or not. Mr. Butkus questioned if he has that amount of sick time left. The Chief stated he has 24 days. He does have his shifts scheduled with part time officers so overtime won't be an issue. Mr. Oswald made a motion to grant Officer Fritz the Family Medical Leave paying him for the use of his 24 days of sick leave; seconded by Mr. Butkus. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. On June 3, 2010 there was a Council meeting. At that time the Chief stated he requested that Officer Moyer be certified as a Class I patrolman however he advised because he was on short term disability, he thought that his years of service had stopped. He did check into the contract and found out that his short term disability does not affect his seniority and if Mr. Mooney wants to review that he has copies of that portion of the contract. Mr. Wenrich asked that the Chief get the information to Mr. Mooney for his review. The Chief did calculate that he worked 562 hours which would equal out to \$854.24. Mr. Wenrich asked Mr. Mooney to review the information and advise Council on his findings as well. Mr. Mooney agreed.

COUNCILMAN JAMES PACHUILO:

Mr. Pachuillo stated he was contacted by Ms. Nan Parks of the Library Board. She requested that Mr. Pachuillo attend the next meeting. He is not quite sure what they want to speak to him about but he just wanted to let Ms. Sloan, President of the Library Board know, as well as the rest of Council. Mr. Pachuillo just doesn't want to step on anyone's toes. Ms. Sloan said that was not a problem and she will see him there. Mr. Pachuillo thought it might be budget motivated. Ms. Sloan said to the best of her knowledge we are not cutting anything from the budget for them as it would hurt them financially from a County and Statewide perspective as well.

BOROUGH SOLICITOR – KEITH MOONEY:

Mr. Mooney had one (1) issue in conjunction with Mr. David Schlott of Arro Consulting. Mr. Mooney along with Mr. Schlott met with the Solicitor from South Heidelberg Township Municipal Authority along with their engineer, Mr. David Bright in regards to the second quarterly payment where they shorted us about \$11,000.00. Mr. Schlott and Mr. Mooney both agree they should get some type of credit. It shouldn't be the \$11,000.00 they shorted us. They feel South Heidelberg owes us about \$3,145.00 per their calculations. The reason they are suggesting they get a break is because it is obvious we did not treat the amount of sewage the meter registered. They had a blockage downstream which caused an elevated level of sewage which gave a false reading. The day after the blockage was removed they went from reading 33,000 gpd to 12,500 gpd. They would like us to recalculate. Under their calculation they get an \$11,000.00 credit. We believe the best way to calculate it is the way the contract calls to calculate when there is a meter problem although this wasn't technically a meter issue. The meter read what it should have read given the level of sewage that had risen. However, they believe this is the fairest way to do it and when Mr. Schlott did the calculation they should have gotten an \$8,155.00 credit. So, based on this calculation instead of the \$11,000.00 credit they should have taken the \$8,155.00; so they still owe us \$3,145.00 according to the agreement. Ms. Sloan asked when we were going to get the money. Mr. Mooney said their meeting was that evening as well. They told them that they would take this back to Council that evening and ask for authorization to bill them only \$3,145.00. They were

BOROUGH SOLICITOR – KEITH MOONEY (cont'd):

going to ask for authorization to pay \$3,145.00. Mr. Mooney stated this was not the first time the Beacon Court meter has gotten blocked and caused this to happen. Mr. Schlott has suggested they clear that line or inspect that line at least twice a year to alleviate the problem. Mr. Schlott stated the meter is calibrated twice a year so he believes it would be appropriate to have them flush that line twice a year as well. Mr. Wenrich questioned what the blockage was. Mr. Schlott did not know. Mr. Butkus said isn't part of the problem the pitch. Mr. Schlott stated it could be. Mr. Schlott stated in previous years there was a grease issue at that meter. He was not present when Captain Clog came out and cleared the line. Mr. Schlott stated they should also do the one (1) in Socialist Park as well. They are responsible for the wastewater until it hits the Lower Heidelberg side in this case. Mr. Wenrich asked for Council's thoughts. His thought was we bill them for what the agreement says. The other municipalities are following those rules, so should they. Mr. Butkus agrees. In addition, the flushing twice a year is fine but he feels they should be looking in the manhole at least once a quarter. They should be able to tell if something is backing up in there so they can deal with it quicker. Mr. Schlott stated he believes that the engineer for South Heidelberg has at least access to the lockbox as far as where the meter is located. He can go there and make the readings himself if necessary. Mr. Butkus made a motion to authorize the credit of \$8,155.00 as per the signed agreement with the conditions that they flush the line twice a year and have someone monitor it once a quarter; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

COUNCILMAN – GEORGE BUTKUS:

Mr. Butkus again thanked the Miller employees for all the work they did in setting up for the Eastern meeting. We received a lot of good feedback from other operators.

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

Mr. Schlott stated we are in the midst of the final closeout documents. There are two (2) very minor issues. He is working on them. He is waiting for them to come in. He has two (2) applications for payment. He is asking the Borough to authorize the paperwork once ARRO feels it is sufficient. The final application for payment (retainage only) is the other issue. There is a 5% retainage on the general construction side. That would be a payment to Wickersham in the amount of \$134,637.51. In addition an application from Hirneisen Electric; they had 10% retainage because they never asked for it to be reduced down to 5%. That is in the amount of \$36,422.70. He is asking they be authorized but held till the details are all complete. Mr. Butkus made the motion to authorize the payments and to file the documentation once the engineers feel it is properly completed; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

BOROUGH ENGINEER – ROBERT LUDGATE, SR.:

Mr. Ludgate stated he had copies of an article from a Seattle newspaper. The article deals with "what does winning DOT/HUD grants have in common". There are seven (7) categories listed and the project for the Sinking Spring downtown hits six (6) of them. He had copies of that if Council is interested. He stated they completed the calibration the Chief requested. The Terrace project plans were reviewed. He stated there was a gentleman at the Council meeting asking for

BOROUGH ENGINEER – ROBERT LUDGATE, SR. (cont'd):

approval. Again, the plans were reviewed quickly and the findings were turned over to them however they have had no response from them on what they are requesting. Traditions have submitted plans for a box culvert which is a crossing of the Broad Street ditch and an extension of Octagon Avenue. They gave comments back to their engineer on the box culvert and again those comments have yet to be resolved. We are not dragging our feet on those projects in case Council hears that. Mr. Ludgate had a meeting with Mr. Ken Pick, who is the Executive of the Berks County Redevelopment Authority. The first purpose was the reimbursement coming from CDBG for a portion of the traffic engineering study that exceeds the first \$25,000.00. Mr. Ludgate was happy to report that was approved. He is even happier to report that Mr. Pick told him to have the traffic engineer proceed with the next phase and it will be paid fully by the County. Mr. Oswald thought that was great. In addition, Mr. Ludgate asked Mr. Pick how we might speed the project without PENNDOT funding. He has requested if possible a representative from Council and the Solicitor meet with Mr. Pick and their Solicitor along with Mr. Ludgate to discuss some possibilities for financing the project. Mr. Pick will get back with times. Mr. Oswald said if the meeting occurs during the day, his schedule is fluid he could make the meeting. Mr. Wenrich said if it would be 6:00 or 6:30 he might be able to make it. Mr. Ludgate stated he did not know at that point. Ms. Sloan asked what was going to happen with the tabletop at Weis. (Foodlion). Ms. Sloan stated she went through there and there were speed bumps but there was nothing that approached the tabletop. She wanted to know what the solution was going to be. Mr. Ludgate said the solution they provided was what was asked of them. Mr. Ludgate explained what they had done. At this point it is at a kind of wait and see if there is a problem. He has not heard there were any problems as of yet. They are satisfied however if a problem does come up they will need to do something else. This was a compromise because otherwise they would have had to push back the opening date which was tied into the PENNDOT permit. We are monitoring the situation and if something happens, they will have to make adjustments. Mr. Pachuillo said being involved in the planning process and what is there now, he drives through there and he is looking for that thing that tells him to “slow down” and it’s not there. He believes as more tenants move in there it could become a problem. As a Councilman he will be keeping an eye on it. Ms. Sloan said it is a safety issue. Mr. Ludgate said the solution would be it would have to be rebuilt. Mr. Butkus questioned how long the wait and see period is. Mr. Ludgate said there is an 18 month maintenance period. Chief Oxenreider suggested stop signs. Mr. Ludgate agrees. Another issue that has come up is in regards to a sign that says no through traffic. We have an agreement with them that the street will be open so he would like Council’s permission to send them a letter to have that sign removed. Mr. Oswald made a motion to have him send a letter; seconded by Mr. Butkus. Chief Oxenreider questioned if that was the old sign when Boscov’s had been there or was this a new sign? Mr. Ludgate said the Chief might be right that could be an old sign. It is not open for truck traffic. A discussion ensued as to what might be done. Mr. Ludgate will get back to the property owner and tell him about the discussion that evening and tell him that something must be added to improve the safety aspect of the lot. The other issue is that he will notify him of the no through traffic sign as well. Mr. Wenrich took a vote. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Chief Oxenreider stated there have been no problems down there as of now. Mr. Butkus would like to revisit this in April. Mr. Oswald stated that wouldn’t be a bad idea as most of the stores will also be occupied by then. Chief Oxenreider said he doesn’t see that it is a cut through like it had been in the past. Before there were two (2) exists to leave now there is only one (1). Mr. Pacuhilo stated it isn’t any quicker going that way. He said you can’t make the right on red. You sit at the light to go straight across; your best bet is the

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light at 724 anyway. Mr. Ludgate wanted that connected for pedestrian traffic and it did just that. The walkable downtown is here. The down lighting on the building is very appealing, Ms. Sloan said. Mr. Oswald said the soft white lighting on the signs is very nice as well. They had to submit a lighting plan and they have fulfilled their requirements.

PUBLIC COMMENT:

There was no public comment.

TREASURER REPORT:General Account

Opening Balance – October 31, 2010	\$105,716.92
PLGIT	9,106.73
Invest	
Recreation	49,604.81
General	254,636.62
Deposits as of November 30, 2010	99,468.77
Fire Escrow	15,856.00
Checks Written	94,709.69
Payroll	74,026.90
PENNVEST Auto Debit	2,576.47
To Be Paid	<u>37,870.19</u>
Balance as of November 30, 2010	\$325,196.60

Sewer Account

Opening Balance – October 31, 2010	\$121,212.13
PLGIT	61,347.09
Invest	422,158.03
Deposits as of November 30, 2010	211,622.79
Checks Written	188,164.85
To Be Paid	<u>6,093.39</u>
Balance as of November 30, 2010	\$ 622,081.80

Mr. Butkus made a motion to approve the Treasurer's Report; seconded by Mr. Oswald. Mr. Oswald asked Mrs. Shade if everything down from the fire escrow was a debit/expense. Mrs. Shade said correct. He went on to ask her if the numbers will be similar next month. Mrs. Shade stated the payroll should be very similar but as far as the checks written that would be hard to say. It depends on what kind of expenses we entail, Mrs. Shade said. The PENNVEST auto debit should remain the same. Mr. Oswald stated then we are looking at the same numbers. Mrs. Shade said more or less. Mr. Oswald said then we are ending the year with about \$100,000 or \$105,000. Mrs. Shade stated we could. Mr. Oswald stated then we would need to borrow money to which Mrs. Shade said perhaps. AYES – 6, NAYS – 0, ABSENT - 1; motion carried.

ADJOURNMENT:

Mr. Pachulo made a motion to adjourn the meeting at 10:53 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer