

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, December 3, 2015 at 7:00 p.m. at the Sinking Spring Borough Hall by President James Pachuillo. After the Pledge to the Flag, Elizabeth Eagelman called the roll reflecting the following Council Members present:

James Pachuillo
T.J. Huckleberry (arrived at 8:22)
George Butkus
Denise Stine
Lisa Gantner (arrived at 8:18)
Tracy Peterson
Brian Hoffa

Other officials present were: Mayor Gary Cirulli, Charles Haws, Borough Solicitor; Tom Ludgate, Ludgate Engineering; Brad Smith, ARRO Consulting; Michael Hart, Public Works Director; Police Chief Lee Schweyer, and Elizabeth Eagelman who recorded the minutes of the proceeding.

Mr. Pachuillo requested a moment of silence to honor our fallen heroes and those who serve us on a daily basis at home and abroad in the Armed Forces and our first responders.

APPROVAL OF MINUTES:

Mr. Pachuillo asked for a motion to approve the minutes from the November 5, 2015 Council Meeting. Mr. Hoffa made the motion to approve the minutes; seconded by Mrs. Peterson. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

VISITORS/PUBLIC COMMENT:

The first visitor was Mr. John Nelka who is the Director of the Library. He stated that he wanted to take a few minutes to thank everyone from the Borough and the Police Department for all of their assistance, moral support and financial support, throughout the year. He stated that it enables them to provide a lot of resources to the community.

The next visitor was Mr. Lee Williams, Ms. Kim Williams and Mr. Greg Phipps. Mr. Williams stated that they are here tonight to get approval for a lot line move. He stated that they do not need the space on their property anymore and Greg Phipps of Phipps Label does in order to grow his business. Mr. Tom Ludgate stated that this is a simple sub-division plan that went through the Borough Planning Commission and that the Borough Planning Commission has recommended it for approval. He also mentioned that the County Planning Commission reviewed it with no comments and Ludgate Engineering reviewed it with no comments. He stated that as far as they are concerned it is ready to be signed tonight if Borough Council so chooses. Mr. Haws asked if the issue with the easement regarding the sewer/utility service to the property was taken care of. Mr. Hart stated that they met and talked about it and that the parcel that Mr. Williams is keeping has no utility service on it at all but it passes through his portion of the building.

VISITORS/PUBLIC COMMENT (Cont.):

Discussion ensued concerning whether a written agreement was needed for the easement. Mr. Williams mentioned that the easement is shown on the plan. Mr. Haws stated that as long as it is on the plan it should be enough. Mr. Pachuillo asked for a motion to approve the plan. Mrs. Stine made a motion to approve the plan; seconded by Mr. Butkus. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

TOM LUDGATE – BOROUGH ENGINEER

Mr. Ludgate stated that PennDOT has requested a letter from the Borough rejecting the bids for the Pedestrian Improvements Bids that came in crazy high. He stated that it is a standard letter that PennDOT asked the Borough to generate that rejects those bids while we try to figure out a way to rebid it. Mr. Butkus asked if it was a fluke in the way the bids were or a fluke in the way we estimated the cost. Mr. Ludgate explained that PennDOT required us to follow the ECMS system and there is a certain level of contractors that can go into so you don't get the local smaller contractors. He stated that it will probably boil down to not following the ECMS system and removing it from their standard bidding system and putting it in a bidding system that will require a HOP. He stated then we can go to local business and get a more reasonable price. He stated that the only thing that has to happen tonight is the letter from the Borough stating that those three bids are rejected. Mr. Butkus asked what that does to our timeline as far as getting the work done. Mr. Ludgate stated that it doesn't really effect the timeline for the work done and that the real timeline to the work done now is the overall Betterment Project which probably won't be going through the Borough until Pennsylvania American Water has their water line installed which probably won't be until fall of next year which means Betterment won't roll through here until 2017. Mrs. Peterson made a motion to authorize the letter to PennDOT rejecting the bids; seconded by Mr. Hoffa. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

REVITALIZATION:

Mr. Hoffa mentioned that they made a presentation to the County Commissioners and that it was very well received. He also mentioned that Mrs. Hollenbach sent the link out to everyone

CORRESPONDENCE:

Mr. Hart mentioned that the Borough received a letter from R. G. Heckman who owns the properties next to the Borough Hall at 3932 and 3934 Penn Avenue. He stated that the first letter is dated October 26th contesting their sewer charges that they are receiving. He stated that they are stating that there are only two units and we are billing them for three units and there is a lot of confusion but they are requesting a refund of almost \$2,000.00. He mentioned that we based our charges off their census forms they were submitting which stated that there were three units. He stated that he sent a letter out November 20th requesting a meeting with them to inspect the building and try and figure out what is going on. He mentioned that they sent another letter on November 25th and they are still having a fit about it. Mrs. Eagelman stated that this all started a year ago

CORRESPONDENCE (Cont.):

when they had a problem with their meter and we were not getting the usage readings. She stated that she sent them a letter back billing them for the usage and that is when they came back and stated that we will over bill them because it was only two units. She stated that at that time we agreed to take the one unit off until Mr. Miller inspected the property. She mentioned that Mr. Miller has now inspected the building and confirmed that there are only two rental units and that is why they are requesting the refund. She also mentioned that we are now questioning the garages in the rear of the building because the owner informed Mr. Miller that it used to be a butcher shop so that could be the third unit. Mr. Hart stated that he just wanted to bring everyone up to speed on it and that we are trying to resolve it.

APPROVAL OF THE BILLS:

Mr. Pachuillo asked for a motion to approve the bills for November 2015. Mrs. Stine made a motion to pay the bills, seconded by Mrs. Peterson. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Renshall went over the activities report for November 2015. He mentioned that he added Staff Activity to the bottom of the report because he believes it is important for everyone to know what they are doing on a regular basis like training and classes. He also mentioned that the budget was in last month's packet and wanted to know if anyone had any questions. He stated that he presented it to their board at the November meeting and will be presenting it at the December meeting for approval from their Board.

UNFINISHED BUSINESS:

Mr. Pachuillo stated that the first item is the Budgets, Resolutions adopting them and the Tax Ordinances. He stated that the budgets have been advertised and sat open so we can approve them this evening. He stated that the next step would be to advertise the Tax Ordinances which will have to sit for ten days before they can be adopted. Mr. Haws mentioned that they do not have to be passed by the end of the year and that Council can adopt them at the meeting on January 4, 2016. Discussion ensued concerning whether or not a Workshop meeting was needed to adopt the Ordinances and pay the bills. The decision was made to not have a Workshop meeting and just pass the Ordinances and pay the bills at the January 4th meeting. Mr. Pachuillo stated that nothing has changed on the General Fund and Sewer Fund budgets from last month, no tax increase for the General Fund and no Sewer rate increase for 2016. No one had any questions so Mr. Pachuillo asked for a motion to approve the General Fund Budget. Mrs. Stine made the motion to approve the General Fund Budget; seconded by Mrs. Peterson. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

UNFINISHED BUSINESS (Cont.):

Mr. Pachuillo asked for a motion to approve the Sewer Fund Budget. Mr. Butkus made the motion to approve the Sewer Fund Budget; seconded by Mr. Hoffa. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

Mr. Pachuillo mentioned that he sat down with Mrs. Eageman to go over the Fire and Ambulance Budget to see if we could lower the Fire Tax since we were raising the Ambulance Tax. He explained that we needed to raise the Ambulance Tax to cover the Ambulance portion of the communication bill that was being paid from the Fire Tax in previous years and was discovered by the auditors. He stated that the overall total will stay the same but the Fire Tax will come down to .82 mills and the Ambulance will go up to .31 mills. Mr. Pachuillo asked for a motion to advertise the Fire/Ambulance Tax Ordinance as previously stated. Mr. Hoffa made the motion to approve advertising the Fire/Ambulance Tax Ordinance with the Fire at .82 mills and the Ambulance at .31 mills; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

Mr. Butkus mentioned that they need to discuss and nail down, for the Resolution in January, what the new trash rates are because the cost went down.

Mr. Butkus made a motion to approve the Fire/Ambulance Budget; seconded by Mrs. Peterson. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

Mr. Pachuillo asked for a motion to advertise the General Fund Tax Ordinance. Mr. Hoffa made the motion to approve advertising the General Fund Tax Ordinance with a tax rate unchanged at 6.19 mills; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

Mr. Haws stated that he needs a date that Council intends to take action on the Tax Ordinances for the advertisement. Mr. Pachuillo stated that they have to meet on the first Monday for the Reorganization which would be January 4 2016.

Mr. Pachuillo went back to Mr. Butkus's earlier questions concerning the trash rates. He stated that the committee should gather the information that they need and discuss it and bring it back to Council at the January meeting. Mr. Haws stated that they should keep in mind that they can charge administrative fees so they might want to see what the overhead is in terms of dealing with the billing issues and there might be costs that go beyond what you are actually collecting. Mrs. Peterson asked what ever happened to going back to quarterly billing because it would save the Borough quite a bit of money. Mr. Butkus stated that he is open to looking at the numbers again but mentioned that part of the reason that we went to monthly was to benefit the residents because of all the seniors on fixed incomes and other people with the month to month it pays out month to month instead of having the four big bills a year. Mr. Pachuillo stated that it should be quickly discussed at committee and really look at the numbers and if it saves the Borough a good bit of money on administrative costs and postage it may be beneficial.

The next item was Kriegman & Smith, Spring Valley Apts., property tax payment issue that was brought up at the last meeting. Mrs. Eageman explained that they sent in a letter asking for the penalty to be waived. She stated that we received an e-mail from Mrs. Beck on November 11, 2015. that included copies of two letters that she sent to them when she mailed the checks back.

UNFINISHED BUSINESS (Cont.):

The first letter was sent April 9, 2015 when she returned the first check because it was made out to Mrs. Schmidt and could not be negotiated. The second letter was dated November 4, 2015 when she received the second check. The second check was returned because it was made out for the original amount without the penalty and Mrs. Beck could not post a partial payment. Discussion ensued. Mr. Butkus stated his recommendation is that they should have kept better track of their paperwork and if they had questions they should have caught it sooner. Mr. Pachuillo mentioned that if they would have sent a corrected check right away in April instead of waiting seven months this would not have happened and the bill clearly stated who to make the check payable to. Mrs. Peterson stated that a letter needs to be drafted to them from the attorney informing them that they need to pay the full amount with penalties.

The last item was to reaffirm the hiring of two Public Works Employees, Ric Paplosky and Louis Angelisa. Mr. Hart stated that their start date is scheduled for December 7, 2015 and they will be Class three at a rate of \$15.75 per hour. Mrs. Stine made to motion to hire Mr. Ric Paplosky and Mr. Louis Angelisa as Class Three Public Works Employees at a rate of \$15.75 per hour with the standard ninety-day probation period; seconded by Mr. Butkus. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

NEW BUSINESS:

Mr. Pachuillo stated that the first item is the Western Berks Ambulance Agreement. Mr. Pachuillo stated that we have to fill in the assessed value for 2015 and that Western Berks Ambulance will get .26 mill as payment for 2016. Mrs. Egelman stated that we received a letter from the county giving us the assessed value as of October 31, 2015 of 212,875,800.00. Mr. Haws suggested using that number for the Agreement. Mr. Butkus made a motion to execute the agreement using the data from the October 30, 2015 report from the County; seconded by Mrs. Peterson. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

The next item was the PennDOT Application for Traffic Signal Approval. Mr. Hart stated that he received an application to alter our traffic signals mostly just for line striping and ADA ramps at Woodrow and Penn Avenues and Columbia and Penn Avenues. He stated that we have to create a Resolution and return it to them so they can add it onto our permit that we currently have for those traffic lights. He stated that he is looking for Council's approval to sign them and get them out and create a Resolution adopting these changes. Mr. Butkus made a motion authorizing Mr. Hart to sign the Agreements and that we have the solicitor create the Resolution that we approve these changes to the permit; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

The next item was the Resolution to waive Police Contribution to Pension for 2016. Mr. Butkus made the motion to waive the Police Contribution to the Pension for 2016; seconded by Mrs. Peterson. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

TREASURER'S REPORT:

Mr. Pachulo asked for a motion to approve the Treasures Report. Mrs. Peterson made a motion to accept the Treasurer's Report; seconded by Mr. Hoffa. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

CHIEF SCHWEYER:

Chief Schweyer informed Council that on November 20th, a little after midnight, they responded to the zero hundred block of Woodrow Avenue for a report of a shooting. He stated that they did find a male with a small gunshot wound. He advised Council that they are working on this with County Detectives but the victim is not being cooperative with either law enforcement agency.

Chief Schweyer mentioned he heard back from Lower Heidelberg Township and Western Berks Regional Police Department concerning the contribution to the ARL. He stated that Lower Heidelberg pays \$1,000.00 a year for a donation to ARL. He stated that Western Berks Regional Police is split between Wernersville, who pays \$333.00, and Robesonia Borough, who pays \$333.00, and the Police Commission pays \$333.00. He mentioned that back in 2013 we were paying \$500.00 per year so he recommended that we go back to the \$500.00 per year instead of \$250.00. He stated that the Agreement would cover us for one year. Mrs. Peterson made a motion to donate \$500.00 to the Animal Rescue League; seconded by Mr. Butkus. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

MICHAEL HART – PUBLIC WORKS DIRECTOR:

Mr. Hart stated that he has the Williams Plans and will need Council's signature this evening. He mentioned that he will contact the Planning Commission to have them come in and sign the plans also.

Mrs. Peterson asked about North Hull Street and when they will be finishing fixing it because it seems like it's been awhile. Mr. Hart stated that he would get ahold of them and see what their schedule is.

Mr. Pachulo asked what the deadline for picking up leaves is. Mr. Hart stated that they would be collecting through mid-December.

SEWER ENGINEER – ARRO CONSULTING – BRAD SMITH:

Mr. Smith stated that they started field work for the Penn Avenue interceptor last week. He mentioned that on December 31st it will be two years that we have gone without a new NPDES Permit at the plant. He mentioned that it is Commonwealth wide and that there is a dispute between the EPA and DEP that involves the Chesapeake Bay so the EPA imposed a sanction state wide.

ELIZABETH EAGELMAN – ASSISTANT BOROUGH SECRETARY:

Mrs. Eagelman mentioned that she and Mrs. Bohn and Mr. Hart have a lot of vacation time that they have not been able to take and were wondering if they would be able to carry any of it over to next year. Mr. Butkus made a motion to allow all three individuals to carry over all of their unused vacation time and use it through out 2016; seconded by Mrs. Peterson. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

Mrs. Eagelman mentioned that the Auditor will be coming in on Monday December 21st to start the Pre Audit Fieldwork.

MAYOR GARY CIRULLI:

Mayor Cirulli asked Council's approval to have Officer David Church assigned to the BCERT (Berks County Emergency Response Team) which was in the Police Budget for this year at a cost of \$3,500.00 for training. Mrs. Stine made the motion; seconded by Mr. Butkus. Mr. Butkus asked if that is the equivalent to the County Swat Team. Chief Schweyer stated that it is the County Swat Team. He mentioned that Officer Church already passed the pre requisite test earlier this year. Mrs. Stine asked who pays him when he is out with them, the Borough or the County. Chief Schweyer stated that the Borough pays him but he has an agreement with him that he will take some comp time. He mentioned that if he is on duty with the Borough he will not get called out for the BCERT. AYES – 5, NAYS – 0, ABSENT - 2. Motion carried.

TRACY PETERSON – LIBRARY:

Mrs. Peterson stated that the Library is fully staffed and they have two people taking Passport Training so as of January 1st we should be fully functioning and will probably add a daytime, probably a Friday morning, where they will do Passports.

Mrs. Peterson stated that they had the Holiday Open House last night. She stated that there were a few glitches in it and a few less people. She mentioned that Spring Townships was also last night and the weather wasn't the greatest.

BRIAN HOFFA – ECONOMIC AND COMMUNITY DEVELOPMENT:

Mr. Hoffa mentioned that they had a meeting a few Friday's ago with PPL to discuss the transmission line coming through pretty much where the Spring is right now and down along the Golf Course. He stated that they made some suggestions to them and that he doesn't know where it stands right now. Mr. Pachuillo asked if they gave a purpose for this. Mr. Hoffa stated that it is tying through the two sub stations and it is actually a benefit to us, if it wasn't for the Revitalization Project and the fact that they are going to run those high tension lines down Broad Street. He stated that it should give them an increase in reliability and a decrease in outages because they will be able to pull from both sub stations and work around broken lines. Discussion ensued.

TRACY PETERSON – RECREATION:

Mrs. Peterson mentioned that the Playground was offered a donation of between \$5,000.00 and \$6,000.00 for playground equipment and they have made a shopping list. Mayor Cirulli asked where it is coming from. Mr. Hart stated that it is from the Fritztown Fire Company. Mrs. Bohn mentioned that the Library also put in a letter for a donation from them. She stated that the gentleman came in and asked her to say something to Mr. Hart about the rec board and also had her say something to Mr. Nelka about a \$1,000.00 donation to the Library. She stated that the gentleman asked that letters requesting the donation and what it would be spent on be sent to them.

LISA GANTNER – RECREATION:

Mrs. Gantner arrived at 8:18 after a prior engagement. She also spoke about the Open House and stated that Betsy and Deb had everything decorated nicely. She mentioned that Santa arrived early so no one was outside waiting but it was a good turnout.

DENISE STINE – PUBLIC SAFETY:

Mrs. Stine mentioned that she has the lined copy of the Police Contract and that she wants to go through it one more time before she sends it to Mr. Keller to be printed and then it will be ready for signatures.

GEORGE BUTKUS – SEWER AND SANITATION:

Mr. Butkus mentioned that tentatively the Sewer Committee will be meeting and he will e-mail Council with some of their notes on what the trash numbers could be. He also mentioned that he will touch base with Mr. Huckleberry so the Admin Committee can will have information on the shifting of the billing.

Mr. Huckleberry arrived at 8:22 p.m. after a prior engagement

PUBLIC COMMENT:

A gentleman in the audience voiced his concern about the high tension line.

EXECUTIVE SESSION:

Mr. Pachulo stated that they needed to go into Executive Session for a property acquisition issue. Council went into Executive Session at 8:25 p.m.

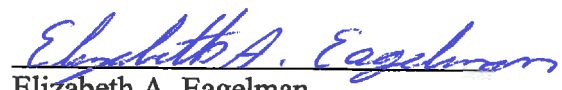
RECONVENE:

Council reconvened at 9:18 p.m. No Action was taken.

ADJOURNMENT:

Mr. Butkus made a motion to adjourn the meeting at 9:18 p.m.

Respectfully submitted,


Elizabeth A. Egelman
Asst. Borough Secretary