

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, December 5, 2013 at 7:00 p.m. at the Sinking Spring Borough Hall by President James Pachuillo. After the Pledge to the Flag, Elizabeth White called the roll reflecting the following Council Members present:

James Pachuillo
Edward Oswald
George Butkus
Christiana Stallone (absent)
Gary Cirulli
Denise Stine
Steven Suruskie (absent)

Other officials present were: Mayor Francis Butkus, Charles Haws, Borough Solicitor; Robert Ludgate Sr., Ludgate Engineering; Brad Smith, ARRO Consulting; Michael Hart, Public Works Director; Police Chief Lee Schweyer, Regina Shade, Interim Borough Manager and Elizabeth White who recorded the minutes of the proceeding.

Mr. Pachuillo requested a moment of silence to honor those who serve us on a daily basis at home and abroad in the Armed Forces and our first responders. Mr. George Butkus also mentioned that Mr. Schlott's mother passed away and asked everyone to keep their family in their thoughts.

APPROVAL OF MINUTES:

Mr. Cirulli made a motion to approve the meeting minutes from the November 7, 2013 Council Meeting; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

VISITORS/PUBLIC COMMENT:

There were no visitors.

COMMUNICATIONS:

There were no communications.

APPROVAL OF THE BILLS:

Mr. Pachuillo asked for a motion to approve the bills for November 2013. Mr. Oswald made a motion to pay the bills; seconded by Mr. Cirulli, AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

BUDGETS:

Mr. Pachuillo mentioned that they were unable to vote on the budget at the last Workshop meeting which was scheduled for November 20, 2013 because there was no quorum. He stated that they did have a pretty good discussion with the members that were there and that we had some good feedback from the residents that were in attendance. He asked Mr. Haws to explain the timeframe that we need to work through. Mr. Haws stated that between now and the end of the year we have to get the budget passed. He also mentioned that we have to pass the Tax Ordinances which need to be advertised yet. He stated that it would be appropriate to take action on the proposed Budget that was advertised which included a .5 mil tax increase. He stated that the three Tax Ordinances can be advertised either Saturday or Monday and then Council can meet again at a special meeting anytime between December 16th and the end of the year in order to pass the Tax Ordinance for the Taxes to be charged next year. He stated that according to the Borough Code we need to have the Budget and Tax Ordinance for whatever taxes are to be collected pursuant to that Budget approved by the end of the year. Mr. Pachuillo stated that if we pass the Budget with the .5 mil increase and we vote to advertise the Tax Ordinances as they are written then after seven days we can have the Special Meeting to vote to pass the Ordinances or not pass the Ordinances. He stated that it would only be a five minute meeting and we would not need the engineers or the solicitor here.

Mr. Oswald made a motion to pass the General Fund Budget as advertised with the .5 mil increase; seconded by Mrs. Stine. AYES – 4, NAYS – 1 (Mr. George Butkus), ABSENT – 2; motion carried.

Mr. Cirulli asked how much we going to have left. Mrs. Shade stated that we are actually in a hole \$24,000.00. She mentioned that Mr. Hart starting getting quotes for the heat and it is going to be around \$8,000.00 so we will be saving about \$17,000.00 from what was in the budget. She stated that they are looking to change some of the copy machine maintenance in the office which should save some money. She also stated that we are going to save money on the Per Capita Tax billing because we are looking into an agreement with the Wilson School District to bill the Borough Per Capita with the School District Per Capita which goes out in July. She stated that it would save the Borough a lot of money. She stated that the School District will only charge us .35 per bill and right now we pay the Tax Collector \$1.00 per bill plus we have to pay all the postage and fees to BCIU for the internet access. She stated that we will be saving money in the expenses and increasing the income with what we save on the Per Capita Billing so we will be closer to being even as long as we have the .5 mil increase. Mr. Cirulli stated that he is concerned that if we only do the .5 mil we will never be able to do a road project. Discussion ensued concerning raising tax rate.

Mr. Oswald made a motion to advertise the Fire Tax Ordinance at .87 mils which is unchanged from last year; seconded by Mr. Cirulli. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Discussion ensued concerning building a Capital Fund. Mr. Oswald suggested raising the tax rate 1.25 mils with .75 going to the General Fund and .50 going toward capital improvements.

BUDGETS: (Cont.)

Mr. Oswald made a motion to advertise the General Fund Tax Rate with an increase of 1.25 mils for a total of 6.44 mils, with the understanding that .5 mils will be used to start the Sinking Spring Borough Capital Fund; seconded by Mr. Cirulli. AYES – 4, NAYS – 1 (Mr. George Butkus), ABSENT – 2; motion carried.

Mr. Cirulli made a motion to advertise the Ambulance Tax Ordinance at .26 mils which is unchanged from last year; seconded by Mr. Butkus. AYES – 4, NAYS – 1 (Mr. Ed Oswald), ABSENT – 2; motion carried.

ROBERT LUDGATE SR.:

Mr. Ludgate stated that he had an issue that is financially related although he does not believe it belongs in the General Fund but he wanted to make Council aware of it at this time. He stated that the opportunity to rebuild the Columbia and Cacoosing intersection is upon us and that we have twelve months to get the engineering done that is needed to meet up with PennDOT and their schedule. He stated that he has a proposal from STV engineers not to exceed \$39,000.00 for the engineering and that he estimates an additional \$10,000.00 will be required in local costs. He stated that he has requested of the County Commissions that they release \$50,000.00 of CDBG funds in 2014 to cover the costs so there is no net cost to the Borough but he believes it would be pass through fund so the Borough would have to pay the bills and then get reimbursement. He also mentioned that the money to pay the bills can come from Liquid Fuels Funds and then be reimbursed. He stated that he would like to have authorization to extend the existing contract with STV engineers to this additional not to exceed \$39,000.00 and get the engineering done so we do not lose the opportunity to be included in the PennDOT project. Mr. Pachulo asked if it was possible that it could wait until after the first of the year. Mr. Ludgate stated that it could but we are talking about a tight deadline and if the Borough is not ready we will lose the opportunity. Mr. Ludgate stated that we have a contract that was signed in 2010 between the County and the Borough that provided up to \$750,000.00 for engineering and construction costs associated with implementing that master plan. Mr. George Butkus made the motion conditional upon the County's agreement; seconded by Mr. Oswald. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

BUDGETS: (Cont.)

Mr. George Butkus made a motion to approve the Sewer Budget as advertised; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

Mr. George Butkus made a motion to approve the Fire and Ambulance Budget as advertised; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

UNFINISHED BUSINESS:

Mrs. Shade stated that Council needed to ratify the Hiring of Marsha Stoudt at the Sewer Plant. Mrs. Stine made the motion to Hire Marsha Stoudt as a Certified Operator for the Sewer Plant at a rate of \$18.02 per hour; seconded by Mr. George Butkus. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

TERRACE ESCROW RELEASE #6:

Mr. Ludgate stated that Grande Construction has requested a higher release than Ludgate Engineering is recommending because there are some things that are being held back which is all included in a letter from Ludgate Engineering dated December 5, 2013. He stated that Ludgate is recommending the release of \$96,325.90 from LOC #2012 (\$93,980.70 for site improvements and \$2,345.20 for sewer) which leaves a balance of \$159,610.31. Mrs. Stine made a motion to release \$96,325.90 from LOC #2012; seconded by Mr. Oswald. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

MEETING DATE:

Mr. Pachuillo stated that they needed to set up another meeting date to pass the Tax Ordinances. He stated that they could meet anytime beginning Monday, December 16, 2013. It was decided that they would meet at 6:00 pm on Tuesday, December 17, 2013. Mr. Haws stated that they would put the ad in the paper for the meeting.

ROBERT LUDGATE SR.:

Mr. Ludgate stated that we have a deadline of today to submit to the County our Transportation Project Request Forms. He stated that the list he has was presented to the Planning Commission who went over it very carefully and they have recommended that Council approve the list. He stated that it is basically the Downtown Plan broken down into phases. Mr. Oswald made a motion to allow Mr. Ludgate to submit the list based on the recommendation of the Planning Commission; seconded by Mr. Cirulli. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

WESTERN BERKS FIRE DEPARTMENT:

Mr. Weidner gave the Fire Report for November 2013. He stated that there were a total of 64 calls with 506 personnel total responding. He stated that there was another fire loss this month of around \$1,000.00 which was a vehicle fire in the Brookfield Manor Development.

Mr. Weidner thanked Council for their support this year.

MILLER ENVIRONMENTAL:

Mr. Juzyk stated that this will be the last report that Miller presents to Council. He stated that he will prepare one additional report and submit it for the next meeting. He thanked Council for allowing Miller Environmental to serve the Borough of Sinking Spring. Mr. Pachulo extended a thank you to Mr. Juzyk and his staff at Miller for doing such a great job over the years.

Mr. Juzyk gave his report for November 2013. He mentioned that early in the month they noticed very low levels in one of the Digesters. He stated that the plug valve was closed past the stop and was partially opening up again. He stated that it was reported to Mr. Hart.

Mr. Juzyk mentioned that they needed to restock the supply of aluminum chloride for phosphorus removal. He stated that he had spoken to Mrs. Shade and Mr. Hart and it was agreed that they would order a full load of chemical instead of a short load of chemical. He stated that at the end of the year they will determine how much chemical remains and work out reconciliation.

Mr. Juzyk also mentioned that the digested sludge pump that had been ordered and arrived at the plant earlier this year needs extensive pipe modifications. He stated that ARRO had provided a diagram of how they recommend the pump be installed. He stated that he has been working with some firms to provide quotes for the work. He stated that he will provide the quotes to ARRO as he receives them.

SEWER ENGINEER – ARRO CONSULTING – BRAD SMITH:

Mr. Smith stated that there is no change from last month on the NPDES Permit Renewal. He stated that there have been some developments with the draft docket with the DRBC. He mentioned that the DRBC met on December 3rd and 4th and he has a call into them to find out the status. He stated that most likely it passed. He also mentioned that we did get a draft docket from DRBC stating that there are no changes to the final discharge parameters, we are now required to submit monitoring results by January 31 of each year and the plant is prohibited from treating frac water.

Mr. Smith stated that PaDEP approved the Planning Module Exception for the Brown Property.

SEWER – MIKE HART:

Mr. Hart stated that Bryce and Marsha are doing a fantastic job out at the plant and picking up on things very easily and quickly. He stated that the one thing they picked up on was the level of our solids and that we are getting extremely full. He stated that they are very concerned about it so they may need to speed up cleaning out a series of reed beds and start reducing our levels. He mentioned that Mr. Sassaman from ARRO came out to take a look at the reed beds and our whole solids handling system and he said that we are full. He stated that they may have to start pumping some liquid sludge out just to gain a little bit of room. He stated that Mr. Sassaman is going to give him a letter of recommendation tomorrow so he will know better then. He asked Mr. Haws if they

SEWER – MIKE HART: (Cont.)

would need to advertise if they need to remove sludge. Mr. Haws stated that it would be cleaner if they are going to quotes for doing the work. Mrs. Shade asked if it would be considered an emergency. Mr. Haws stated that they did not have to advertise if it is an emergency. He stated that if Mr. Hart gets a recommendation from ARRO and Mr. Zohner agrees with that conclusion and it is his recommendation to do it on an emergency basis then you do it and get back to Council with it.

ROBERT LUDGATE SR.:

Mr. Ludgate mentioned that BOSS 2020 raised between \$1,800.00 and \$2,000.00 from businesses for advertising on placemats.

Mr. Ludgate mentioned that the Planning Commission recommended waiver of processing a Land Development Plan for the Brown property because none of the activity included in the plan takes place in the Borough. Mr. George Butkus made a motion to waive the processing of a Land Development Plan for the Brown property based on the Planning Commission's recommendation; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2; motion carried. Mr. Ludgate asked Mrs. Shade to send a letter to Spring Township and Lower Heidelberg Township advising them of that action then that would clear the way for the property owner to get clearance from those municipalities.

Mr. Ludgate also mentioned that the Planning Commission is one member short. Mr. George Butkus suggested putting it on the web site.

INTERIM BOROUGH MANAGER – MRS. REGINA SHADE:

Mrs. Shade mentioned that she received letters from Mrs. Stine and Mr. Coleman expressing their interested in serving on Council.

POLICE CHIEF – LEE SCHWEYER:

Chief Schweyer reported that all of the new radios, that the County mandated, have been installed in all of the cars.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart stated that they had to conduct a survey of candidates to do the inspection of the PennDOT project. He stated that he and Mr. Ludgate conducted that and reviewed three proposals from three different firms, MK Associates, PPD Planning and JMT Consultants. He stated that they recommend MK Associates out of Allentown. Mrs. Stine made to motion to approve MK Associates to do the inspections for the Safety Enhancement Project; seconded by Mr. George Butkus. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

PUBLIC WORKS DIRECTOR – MICHAEL HART: (Cont.)

Mr. Hart stated that they need to install the heat in the pole building for this winter so the new sewer machine doesn't freeze. He stated that he talked to three different vendors and got quotes to install gas fired units. He mentioned that the gas line is already installed to the building. He stated that the lowest quote is from Alltemp Enterprises for \$7,325.00. Mr. George Butkus made a motion to have Alltemp Enterprises install the units at a price not to exceed \$8,000.00; seconded by Mr. Cirulli. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

BOROUGH SOLICITOR – CHARLES HAWS:

Mr. Haws stated that he had an Ordinance written for amending our Parking Ordinance, specifically section 184-22, to prohibit parking on two areas of Spring Crest Boulevard. He stated that it is from the intersection with Gernant Avenue a distance of 95 feet to the existing driveway serving 209 Spring Crest Boulevard on the North side and from the existing driveway serving 207-2013 Spring Crest Boulevard, a distance of 30 feet going east, on the South side. He stated that we would need a motion to advertise the Ordinance. Mrs. Stine made the motion to advertise the Ordinance; seconded by Mr. George Butkus. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

He also mentioned that he has a draft agreement for having the Wilson School District include the Borough's Per Capita tax on their Per Capita tax bills for a cost of .35 per bill. He stated that he needs authorization to add this to the advertisement. Mr. George Butkus made the motion to approve the advertising of the draft agreement; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

INTERIM BOROUGH MANAGER – REGINA SHADE:

Mrs. Shade mentioned that in an effort to save money, Ms. White mentioned to her today about going back to quarterly billing for the Sewer/Refuse bills. She stated that we would save about \$3,600.00 just on postage which doesn't include supplies and time. She stated that it doesn't have to be done today; she just wanted to give Council time to think about it. It was brought up about e-mailing bills to customers. Ms. White stated that the software company just starting offering it and that we have signed up for it.

GEORGE BUTKUS:

Mr. Butkus mentioned that he wasn't able to make the Tree Lighting last night but heard that they had a good turnout. Mr. Cirulli stated that the Rec. Board and everyone that participated did a nice job.

GARY CIRULLI:

Mr. Cirulli mentioned that it was brought to his attention and Mr. Hart has probably already taken care of it. The corner of Ruth and Elwyn was horrible. The construction vehicles left mud all over the roadway. Mr. Hart stated that it was taken care of and that they stoned the alley so hopefully we won't have any more problems. Mrs. Shade stated that she notified the police and had them talk to the contractors.

TREASURER'S REPORT:**General Account**

Opening Balance – October 31, 2013		\$234,435.25
PLGIT		9,120.43
Invest	Recreation	40,197.48
	General	64,308.22
McDonald's Escrow		4,004.95
Fleetwood Bank Acct.		4,246.15
Deposits as of November 30, 2013		128,417.40
Checks Written		86,487.27
Payroll		86,833.44
PENNVEST auto debit		2,785.50
To be Paid		<u>16,048.22</u>
Balance as of December 5, 2013		\$292,575.45

Sewer Account

Opening Balance – October 31, 2013		\$ 926,216.22
PLGIT		61,443.24
Invest		322,796.04
Deposits as of November 30, 2013		179,938.68
Checks Written		64,898.59
PENNVEST auto debit		15,243.07
To be Paid		<u>6,490.31</u>
Balance as of December 5, 2013		\$ 1,403,762.21

Mr. Butkus made a motion to accept the Treasurer's Report; seconded by Mrs. Stine. AYES – 5, NAYS – 0, ABSENT – 2; motion carried.

ADJOURNMENT:

Mr. Cirulli made a motion to adjourn the meeting.

Respectfully submitted,



Elizabeth A. White
Borough Secretary