

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, February 7, 2008 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
Bruce Light
Barbara Kutz
Lawrence Schmidt
George Butkus
James Zerr
Elizabeth Sloan

Other officials present were: Mayor Clarence Noecker; Charles Fitzpatrick, Borough Solicitor, Michael Hart, Public Works Director, James Oxenreider, Chief of Police, Peter Eisenbrown, Ludgate Engineering, David Schlott, ARRO Consulting, Harry Reinhold, Liberty Fire Company, and Regina Shade, Borough Secretary/Treasurer, who recorded the minutes of the proceedings.

Mr. Wenrich thanked everyone for coming out and before the roll call a moment of silence was held for our service people.

APPROVAL OF MINUTES:

Mrs. Kutz made a motion to accept the meeting minutes from the December 27, 2007, reorganizational meeting and the regular meeting minutes of January 7, 2008; seconded by Mr. Schmidt. AYES – 7, NAYS - 0; motion carried.

VISITORS:

There were no visitors.

COMMITTEES:

Mr. Wenrich handed out a list of the committees.

Mr. Wenrich had a special request that he asked of Council as well as himself when it comes to the Borough Hall. Mr. Wenrich stated the office area in the Borough Hall is no different than office areas at doctor offices or banks. It is there to conduct business. It becomes very distracting to the workers that are here trying to get their work done. He is not stating that you can't come to the Borough Hall. He is requesting that you use the break room or the Council room. He requested that Council not seat down in the secretarial area and have a conversation as that becomes a distraction. In addition, if at any time a Council person needs information he requested that the Councilperson go to the respective department head whether it be Mr. Hart or Mrs. Shade. He stated that no one should approach the office staff directly to retrieve information. Mr. Hart and Mrs. Shade are in charge of some very sensitive information. They are in charge and please show them due respect.

COMMITTEES (cont'd):

Mr. Butkus just wanted to mention that he is unable to attend the Library Board meetings due to a prior commitment. Mr. Wenrich understood. Ms. Sloan works on a Wednesday night and she could have a problem with attending Wednesday night meetings.

Mr. Wenrich requested that Mr. Butkus put together a seven (7) member study group, three (3) being sewer committee members, and four (4) being members of the community. (Mr. Wenrich originally wanted it to be a six (6) member however Mr. Butkus advised that seven (7) would work better.) The reason for this group is to see the benefits of turning our Municipal Authority into an operating authority. He would like to see the pros and cons. He would like to see if there would be any benefit to the community. We will run an ad looking for members. Mr. Wenrich explained why we should look into doing this. We need to look to the future. Mr. Schmidt brought up the letter we received from BCM on the recommendations about expanding the plant. Mr. Schmidt thanked Mr. Butkus, Mr. Schlott, and Mr. Eisenbrown for their help. Mr. Butkus would like them to be involved in this as well. Mr. Butkus advised everyone that the Authority meetings are opened to the public. Mr. Fitzpatrick said there is another side to this coin. There was a resolution passed last year to dissolve the Authority. Mr. Fitzpatrick questioned if it was Mr. Wenrich's wish to have this committee look at all aspects of the Authority or just this one. Mr. Wenrich wants more information to get the Borough out of the "sewer business." If it is going to save the Borough money as well as the taxpayer, that is what he is trying to establish. The Borough is a lot busier than what it was forty (40) years ago. If we could become a "harmonious" group all the better, Mr. Wenrich stated. He hopes we might be able to save money.

COMMUNICATIONS:

There were no communications.

APPROVAL OF THE BILLS:

Mr. Light made a motion to pay the bills; seconded by Mr. Butkus. AYES – 7, NAYS – 0, motion carried.

MAIN STREET PROJECT:

Mr. James Pachuillo, Chairman of the Main Street Project addressed Council. He will be bringing Ms. Sloan up to date. The Executive Committee was established. Mr. James Pachuillo is Chairman, Mr. David Meas, is Vice President, Mrs. Sandy Graffius, is Treasurer, and Mrs. Regina Shade is Secretary. The four subcommittees were formed. He explained what they were and what they will be in charge of. Mr. John MacPhee is working on our action/profile plan in coordination with Mrs. Shade. The next meeting is February 21, 2008. They are looking for new members. In addition, the Executive Committee will be trying to meet with three (3) Council people at a time so they can bring everyone up to date with what is happening and what the goals are.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the monthly report. The wastewater data for the month was – total monthly flow – 18,777,000 gallons, average daily flow – 644,000 gallons, minimum daily flow – 515,000 gallons, and maximum daily flow – 770,000 gallons. Total precipitation was 1.72 inches. There were no NPDES violations however they were still waiting for some lab results. The contribution for each municipality is as follows – Sinking Spring (which includes an unmetered portion of Spring Township) – 64.8%, Lower Heidelberg – 24.1%, and South Heidelberg – 11.1%. Mr. George Butkus explained that on last month's report a large random spike was shown in the BOD's. He feels that there must have been a sampling problem or a lab problem. It was out of line. On Mr. Schlott's advice sampling is being done twice a week. A brief discussion ensued. Mr. Juzyk feels after reviewing the spike, contacted the lab and he feels there was some type of error. In addition, since they have started the additional sampling numbers are coming in higher than what the design concentration is for the plant but they are good numbers. Another discussion ensued. Ms. Sloan wanted a letter to be sent to the lab putting them on notice that we are not satisfied with their answer. Mr. Wenrich is not sure what we should do that at this time. Mr. Schlott stated we might never know how that sample was compromised. He continued that our plant is rated for an inflow of 2,000 BOD pounds. With that high reading that would increase our load and that could be a problem with our Chapter 94. Mr. Schlott is watching this as well. This will be noted in the Chapter 94 report. Mr. Pachulo questioned if the work on Broad Street corrected the inflow problem or is it too early to tell. Mr. Schlott stated most of the dig up portion as been completed. One (1) lateral is still leaking and the contractor is repairing it; however it is still too early to really tell, Mr. Schlott said.

SEWER ENGINEER – DAVID SCHLOTT, JR:

There were two instances when the contractor tried to make repairs: the pipe was concrete encased which made the repairs very difficult. This has created some additional work and they have created a change order for the additional work. Blandbrid and Columbia Avenues are where the problems occurred. He explained what was found at both sites. On Columbia Avenue it was discovered there was a blockage and that was repaired at the same time. A discussion ensued as to how these encasements came about and when. Mr. Schlott feels the change order will be in the area of about \$12,000.00. The contract came from the Authority however the Borough will be paying for the repairs Mr. Schmidt said. This means these repairs will be paid for by the Borough to which Mr. Schlott agreed.

The last round of quarterly testing produced some establishments that were way over on some of their limits. Some had contacted Mr. Schlott and were looking for some kind of relief from some of their penalties. Mr. Schlott explained there are penalties, and there are excessive penalties. In addition, there are different levels that surcharges are added. When this program came about we allowed a relief of the \$300 penalty one (1) time. Some are asking for some relief. Mr. Schlott explained the important issue is to get it out of the system. Mr. Wenrich feels the only way to drive that point home is to make them pay the fees. Ms. Sloan also feels they should pay the fines as well. Ms. Sloan questioned what the name of the company was that did the repair on Broad Street to which Mr. Schlott stated it was Wexcon. Ms. Sloan would like to put Wexcon on notice as we will not be accepting that type of slipshod work anymore. The dropping of the stuff off the truck was uncalled for. Mr. Schlott stated they did inform them of that and told them to remove that

SEWER ENGINEER – DAVID SCHLOTT, JR (cont'd):

box and not to just drop things like that. ARRO did look at the street to make sure there was nothing more significant than the indentations that were there. Ms. Sloan stated this is unacceptable and when we see these types of things these contractors will not be working for Sinking Spring.

The last item pertained to the spikes that Mr. Juzyk had referred to earlier. He explained why we do these testings. ARRO recommended that they do the testing more than once a week as this information must be presented to DEP. There is some additional cost to this and it was said that Miller will continue to do this till about mid March. If it is decided that the Borough wants them to continue to do the twice a week testing there maybe some additional charges added.

Mr. Francis Butkus stated the new piece of equipment has finally arrived. This is the gear box for the oxidation ditch.

Ms. Sloan questioned if someone hit the trench boxes or the gravel with the three (3) little cones around it would the Borough be liable or the contractor. Mr. Fitzpatrick stated the contractor would.

EXECUTIVE SESSION:

Mr. Wenrich called for an executive session for a personnel issue as well as a litigation issue at 7:55 p.m.

RECONVENE:

Council reconvened at 8:35 p.m. and no action was taken.

SAFETY COMMITTEE – JAMES ZERR:

Mr. Zerr made a motion to accept the letter of resignation from Police Officer John R. Sheperack; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

FIRE COMPANY – HARRY REINHOLD:

Mr. Reinhold stated that in the month of January there were 33 incidents; 13 of them were in the Borough.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart requested that we authorize Ludgate Engineering to begin the process of putting together the specs for the Ashley paving project. Mr. Light made a motion to authorize the process of putting together the specs for the above mentioned project; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

SEWER AND SANITATION COMMITTEE – GEORGE BUTKUS:

Mr. Butkus stated the Authority has directed ARRO to update their boiler plate section on notifying residents of construction on their streets due to sewer issues. He did remind Council that there could be emergency dig ups that would not allow them the proper time for notifications. Mr. Butkus feels we should do this with any contracts that we are putting out there as well.

Mr. Butkus reminded Council and the audience that the Authority meetings are open to the public. After the minutes are approved by the Authority Council will receive copies of the minutes via e-mail however if you don't have e-mail a hard copy will be placed in your mailbox.

There have been quite a few residences that have been converted into multifamily dwellings, or a residence and a business. There are also several businesses whose water consumption has gone up quite a bit. Mr. Butkus would like to introduce a policy where we have our sewer engineer get the information from the office and anyone whose consumption has gone up by 25% (yearly) over what they have been paid for be handed over to the Authority. The Authority will follow up with them buying more capacity or they need to reduce their water flow into the system. He would like to then follow up on this yearly. He also would like to see anytime we get a building permit that requires a plumbing inspection we give the sheet to the Authority so their engineers get to see if they require anymore capacity. Mr. Fitzpatrick thinks this is an excellent idea. However he believes we will not be able to find what they paid for. Mr. Butkus understood that. Mr. Fitzpatrick suggested to Mr. Schlott that when the Authority establishes a tapping fee that a base year is established as well.

BOROUGH SECRETARY/TREASURER – REGINA SHADE:

Mrs. Shade reminded Mr. Wenrich about the handbook. Mr. Wenrich stated everyone received the Non Uniformed Handbook. He requested each member of Council review the handbook as he would like to adopt it at the next meeting. It has been three (3) to four (4) years in the making. He requested that anyone that has any notes or comments to feed them through Mrs. Shade.

Mrs. Shade stated that the newsletter is at the printers and it should be going out shortly.

PARK AND RECREATION – BARBARA KUTZ:

Mrs. Kutz stated we received the new catalog for the Holiday lights and it appears that the community really liked the new lights. Mr. Wenrich stated he too heard a lot of good things about them. The Recreation Board would like to put two new skylines across the entrance and exit of the Borough. They chose a design which matches up with the snowflakes at a cost of \$1,167.00 a piece. They were originally \$1,750.00 but if we purchase by the end of February there is a 1/3 off. They would like to purchase two (2) of them so the cost would be \$2,334.00. Mr. Schmidt made a motion to purchase the two (2) banners at a cost of \$2,334.00; seconded by Mr. Light. Mr. Zerr questioned if they are the LED lights. Mrs. Kutz said yes. The LED is included in the price. Mr. Hart stated our old decorations are pretty worn. AYES – 6, NAYS – 1 (Mr. Butkus); motion carried.

PARK AND RECREATION – BARBARA KUTZ (cont'd):

Mrs. Kutz said that the Board wrote a letter to the Main Street Committee regarding the new snowflakes on the light posts. Currently, they don't have electric. They were hoping that perhaps the Committee could supply the electric to these poles and the Rec Committee will supply the decorations. Mrs. Shade stated this letter was read at the last Main Street Committee meeting. They were very supportive of this request and will be asking that someone from the Rec Board actually sit on the promotion and advertising committee of the Main Street project. Mrs. Kutz will place the order and request a confirmation.

ADMINISTRATION AND FINANCE – ELIZABETH SLOAN:

Ms. Sloan received a request from Paperone's Pizza that we put some type of receptacle out in front of their building as people who are waiting for the bus throw their trash into their flowerbeds and bushes. Mr. Hart stated we can do that. A discussion ensued as to the cost and what type of receptacle we could use. It was decided to use a 55 gallon container and see how that works before we do anything else.

PUBLIC SAFETY – JAMES ZERR:

Mr. Zerr stated there will be a Safety Committee meeting on February 19, 2008. They will be getting their game plan together for this year. The time is 7:00 p.m.

There is an issue with the financing of the fire truck. Mr. Fitzpatrick was under the impression if we borrowed under \$200,000 we did not need DCED approval; however he became aware that the amount had changed and you could only borrow up to \$125,000. Anything after that amount now you must go to the DCED. In circulating the e-mail, Mr. Zerr made a very good point. We need to move ahead with this quickly. Mr. Zerr suggested since we have to get DCED approval anyway, if there are other big capital expense ideas, maybe we should look into borrowing that money as well as not to deplete the cash flow in the Borough. Council may want to think about this. Mr. Zerr feels we might want to look at adding the dump truck, the pole building, and the ac/heating unit as that is in dire need of replacing. He feels it would be fiscally responsible to borrow all the money and pay for it over time. Mr. Fitzpatrick feels it is something we should look at. Mr. Wenrich wondered if we should look at this now. Ms. Sloan questioned if at the fire task force at this point there is a gentleman's agreement not to purchase anymore equipment. Mr. Zerr said this was bought before that agreement. Mr. Wenrich knows about the task force however when it was put before Council it was at a study level. Mr. Zerr said it is still at a study issue. Mr. Wenrich stated that then if we need to do some repairs, it should not make us look bad, as we are just repairing our possessions. A discussion ensued as to what level the committee is on. Mr. Wenrich feels we need to be involved if they choose to move ahead with this merger. However he feels that he does not want to see our fire company move. We are here to provide fire service to our residents and not to possibly have our equipment housed outside of this Borough. A discussion ensued. The new fire truck is \$182,500; the new dump truck is \$125,000. We are obligated to buy the fire truck and the dump truck. A discussion ensued as to the funding and the cost of the loan. Mr. Schmidt thought that was a good idea also. The cost will be about \$2,000 to \$3,000 to go to the DCED. It is about \$20,000 for the dual unit heating system. The cost of the pole building is \$75,000.00. Mr. Schmidt would like to see the codification process get done. It would cost about

PUBLIC SAFETY – JAMES ZERR:

\$20,000.00. Mr. Wenrich stated if we take a loan out for these other projects that would make the other monies available for the codification. He continued if we have a great year and we have money left over we can always put that money down on the loan. It makes perfect sense to Mr. Wenrich as well. The total amount of the total projects would be \$407,500.00. Mr. Fitzpatrick stated he has 8 or 9 banks to contact. Mr. Schmidt made a motion to authorize Mr. Fitzpatrick to prepare a spec sheet and solicit bids for loans of \$250,000, another in the amount of \$300,000, another in the amount of \$400,000; this is to be a fixed interest loan preferably ten (10) years but depending about the offer that the banks makes – with no pre penalty payment; seconded by Mr. Zerr. AYES – 7, NAYS – 0; motion carried. The codification process will be worked on later.

POLICE DEPARTMENT – CHIEF JAMES OXENREIDER:

The police department responded to 166 calls for January. There were 45 traffic citations, 17 parking and 15 (was inaudible) were issued. Smooth Operator is up and running.

UNFINISHED BUSINESS:

Mr. Butkus stated at our last meeting we currently have two (2) people representing the Borough Council on the Fire Task Force and that is not allowed. Mr. Light made a motion to have Ms. Elizabeth Sloan be the Council Representative to the Fire Task Force for the year 2008; seconded by Mr. Butkus. AYES – 5, NAYS – 1 (Mr. Zerr), ABSTAIN – 1 (Ms. Sloan); motion carried. We need to appoint a Member at Large to the Task Force. A brief discussion ensued and it was decided Mrs. Shade will run an ad looking for a citizen to fill this position.

Mr. Fitzpatrick had a release to be signed. There is a proposal to accept \$75,000.00 from South Heidelberg Township to resolve the litigation to resolve the payment of sewer fees to the Borough. Mr. Butkus explained to the crowd that we were accepting .75 on the dollar. Mr. Fitzpatrick stated that was not necessarily correct that the amount was around \$109,000.00. Mr. Butkus continued that there was a release of reserved capacity that they were holding in our plant. Mr. Fitzpatrick stated that was part of the agreement however it was not part of this release. The agreement that we have is that we will now treat their sewage by flow meter and we will only be taking two (2) or their (3) districts and they are relinquishing 110,000 gallons of capacity back to us. Mr. Butkus made a motion that we accept this; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

NEW BUSINESS:

Spring cleanup will be April 16, 2008.

The next item was Escrow Release Number 2 for the Paulo Brutto project. The amount is \$9,042.50. Some money was held back for a concrete problem. ARRO agreed with their portion for sewer. Mr. Schmidt made a motion to release \$9,042.50; seconded by Mr. Light. AYES – 7, NAYS – 0; Motion carried.

NEW BUSINESS (cont'd):

Mr. Schmidt passed out an ordinance that pertained to landlords and the inspection of buildings. Mr. Schmidt while President received several requests from residents to have the Borough look into this. This was only for Council to look at and for discussion at a later time. Mr. Butkus questioned if we have something like this on the books. Mr. Butkus stated we have an Ordinance that states everyone must apply for a .25 permit if they are moving out. Mr. Zerr stated that was just for moving. It has nothing to do with this Ordinance, Mr. Zerr said. Mrs. Shade stated that Mr. Hart and Ms. Klee will be attending a seminar at the Borough of Wyomissing on this issue. It will be dealing with the inspection of properties. Mr. Schmidt stated that on page 4 there is amount listed of \$50.00. Some of the residents that have proposed this Ordinance are in the audience tonight and they would like to see that amount be changed to \$250.00. Mr. Wenrich deferred this to the workshop meeting or the next regular Council meeting along with the handbook. Everyone will have a chance to review this.

Mrs. Kutz stated July 26, 2008 will be the Borough picnic at the baseball stadium. We have reserved the pool area. The game is at 6:30 p.m.

Mr. Wenrich stated last month's workshop meeting was cancelled. We didn't have that much on the agenda that we couldn't handle at our regular meeting. In order to streamline our government, we do have it posted; however don't be surprised if we cancel these meetings. We will advertise the postponement if necessary. We will post it on the door as well. Mr. Walters questioned when the timer will be going up for the library sign. Mr. Hart stated there is no place inside to place a timer so he will need to look into this. He will need a waterproof box for it.

PUBLIC COMMENT:

Mr. Weaver stated at the last Council meeting it was discussed about setting up some type of retirement fund for our firemen. He was wondering if anyone on Council looked into this. Mr. Weaver questioned how many residences do we have? Mrs. Shade stated we currently have about 1,200 rooftops, which are not rentals, just rooftops. This is the LOSOP program that we were talking about. The Safety Committee was going to look into this. Mrs. Shade questioned where the funding comes from for this. Mr. Zerr stated it comes from the fire tax. Mr. Fitzpatrick stated death benefits could come from the Relief benefits. Mr. Zerr stated this is not something you received when you die, this would be like a pension plan. There are guidelines, Mr. Zerr said.

TREASURER'S REPORT:General Account

Opening Balance – January 31, 2008		\$ 63,793.44
PLGIT		8,800.65
Invest	Recreation	48,204.77
	General Invest	125,203.00
	To Be Paid	\$ <u>43,087.52</u>
		\$ 202,914.34

TREASURER’S REPORT (cont’d):

Sewer Account

Opening Balance – January 31, 2008	\$	178,889.98
PLGIT		59,263.94
Invest Sewer Revenue		474,454.53
To Be Paid	\$	<u>10,177.05</u>
	\$	702,431.40

Mr. Light made a motion to accept the Treasurer’s Report; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

COUNCIL PRESIDENT- STEWART WENRICH:

Thanked Council for having a very constructive meeting. They are off to a good start for 2008.

ADJOURNMENT:

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer