

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Monday, February 8, 2010 at 7:00 p.m. at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

Stewart Wenrich  
Edward Oswald  
George Butkus  
Elizabeth Sloan  
Dennis Leiby  
James Pachulo  
Denise Stine

Other officials present were: Mayor Francis Butkus, Keith Mooney, Borough Solicitor, Peter Eisenbrown, Ludgate Engineering, Bradley Smith, ARRO Consulting, Police Chief James Oxenreider, and Regina Shade, who recorded the minutes of the proceeding.

Mr. Wenrich requested a moment of silence for our armed services, police, and fire departments.

Mr. Wenrich commended Mr. Hart and the entire road crew along with the police department for the fantastic job they did after the past weekend's snowstorm.

#### **APPROVAL OF MINUTES:**

Mr. Oswald made a motion to approve the minutes from the December 29, 2009, Reorganizational Meeting 1/4/10, Regular Meeting 1/4/10, Budget Workshop 1/18/10 and 1/25/10; seconded by Mrs. Stine. Mr. Butkus stated it made mention of the Mayor's letter but it doesn't state what the letter was about. Mrs. Shade stated it will be attached to the meeting minutes that are kept on file as part of the permanent record. AYES – 7 NAYS – 0; motion carried.

Mrs. Shade requested a moment to address the minutes and when they can be placed on the website. She stated she had been hearing some concerns that the meeting minutes are not up to date on the website however Council must approve the minutes before they can be placed on the website for the public to view. It is not an error on our part or that we are trying to not keep the public aware, again Council must view and approve the minutes before they are placed on the site.

#### **VISITORS:**

There were no visitors.

#### **ORDINANCE AND BUDGET APPROVALS:**

Mr. Mooney stated there is an Ordinance before Council setting the tax rate at 3.19 mils for the General Fund. It has been advertised and can be adopted that evening if Council so chooses. Mr. Butkus stated he couldn't find it that evening. Mr. Mooney said what he meant was that the Ordinance was presented to Council any number of times, and by on the table means they could

**ORDINANCE AND BUDGET APPROVALS (cont'd):**

vote on it that evening if they so desire. Mr. Wenrich questioned if Mr. Butkus was looking for the actual paper to which he said yes. Mr. Mooney said he wasn't sure if they had it in front of them or not but they have seen it any number of times. Mrs. Shade said they don't have it. Mr. Butkus questioned again if this was the 3.19 mils to which Mrs. Shade along with Mr. Mooney said yes. Mr. Butkus made a motion to approve the Tax Ordinance setting it at 3.19 mils for calendar year 2010; before there was a second Ms. Sloan said she had a question on the Sewer Fund. Mr. Wenrich stated that can't be discussed we are looking for a second for the General Fund millage. Ms. Sloan seconded the motion. Mr. Pachuillo stated with that millage staying the same as last year is it not true that there will be an \$114,000.00 shortfall at the end of 2010. Mr. Mooney said that was correct. It was the same shortfall that was in the budget when we started this process. Mr. Pachuillo questioned even with the \$200,000 some odd dollar cuts we made. Mr. Mooney said when the budget was presented to Council it still had the \$100,000 shortfall in it. It still has the same shortfall that was in it when you eliminated the mil increase. Mr. Butkus said this shortfall is offset by the carryover from the previous calendar year. Mr. Mooney said yes. Mr. Pachuillo questioned where will we be at the end of 2010? He questioned will we be at zero with no carryover. Mrs. Shade wanted to make Council aware that we are already over budget in the streets for snow and ice removal due to the weather; we are not taking into consideration what is predicted for this week. Mr. Mooney was planning on raising the issue sometime in August when we start planning for the 2011 budget; he said we will probably have to do a "TRAN" for next year. This is a short term bond borrowing that will allow you to use anticipated tax revenue for the upcoming year. Mr. Butkus stated in years past have we not done that from our sewer revenue account and then paid the sewer account back as opposed to paying interest to a bank. Mr. Mooney said you could do that but he did not know what was in the sewer revenue account. Mr. Oswald asked if we can make an estimate on what the bills will be for January and February based on prior years. Mrs. Shade stated she was not sure exactly how much but she figures somewhere around \$200,000 to \$250,000 will be needed. Mrs. Shade stated that whether we do tax anticipation borrowing or whether we borrow from the sewer, we will need to pay that money back. Her big concern is that we will need to increase the millage a lot to pay them back. Mr. Mooney agreed. Mr. Butkus said we did borrow from the sewer in 2009 and did pay them back to which Mrs. Shade and Mr. Wenrich said that was correct. Mrs. Stine questioned if we could be looking at a more substantial tax increase next year. Mr. Mooney said you may because you won't have any surplus as a result of not increasing the taxes this year. You obviously know your personnel costs are going to increase even if you don't give any raises to the non uniformed employees because by contract the uniformed employees are going to be getting a raise due to what it states in their contract plus whatever the increase to their benefits are, even again if you give nothing to the non uniformed, the uniformed by way of their contract will be getting them. Mr. Mooney said you can always count on a 15% to 20% increase in the benefit costs as a historical trend. Mr. Oswald said we will need to get a police car. Mr. Wenrich said maybe or maybe not. Mr. Mooney said we don't have the luxury of contemplating a tax increase as we only have about a week and if we don't set a rate we will have no revenue for this year at all. Mr. Wenrich asked for a roll call vote. AYES – 4, NAYS – 3 (Mr. Leiby, Mr. Oswald, Mrs. Stine); motion carried. The tax passed. Mr. Butkus said since the State declared a State of Emergency doesn't that mean we are entitled to some State money. Mrs. Shade along with Mr. Mooney said no. There is no money tied to the State of Emergency that was called. Mrs. Shade said if the Federal Government declares a surrounding County a national disaster then that might open us up for some type of money. Mr. Butkus questioned if we could utilize some of the

**ORDINANCE AND BUDGET APPROVALS (cont'd):**

liquid fuel money to offset the costs. Mr. Mooney said he feels we could. Mrs. Shade stated we would probably need to talk to Mr. Joe Kurtulski of Municipal Services to see if we could do that. Ms. Sloan questioned if we are going to do that. Mr. Hart said we can do that.

Ms. Sloan made a motion to approve the General Fund budget; seconded by Mr. Butkus. Mr. Butkus questioned if both of the budgets reflect the percentages for salaries for sewer along with the related benefits costs to which Mrs. Shade stated it does. In addition, it also does include percentages for the road crew. Mr. Pachuillo questioned since we did pass the millage the Borough will continue to run to which Mr. Mooney said yes. Mr. Pachuillo then questioned we don't have to pass the budget then. Mr. Mooney said Council would have to adopt another resolution authorizing more spending because you won't have any approved spending authority. There are no guidelines for spending because you don't have a budget. Mr. Butkus said if we pass the budget, it is not set in stone. Council can alter the spending as we see fit. Mr. Mooney said you can always amend the budget. You can reopen the budget down the line. Mr. Wenrich asked for a roll call vote. AYES – 4, NAYS – 3 (Mr. Leiby, Mr. Oswald, Mrs. Stine); motion carried.

The next item was the sewer budget. Mr. Butkus made a motion to approve the sewer budget; seconded by Ms. Sloan. Ms. Sloan pointed out the budget was off by \$1,000.00. Mrs. Shade added it up again, and the amount of \$4,020,650.00 was correct as opposed to \$4,019,650.00. We are projecting a thousand dollars more. Mrs. Shade added it again and said the \$4,020,650.00 was the correct amount. Mr. Wenrich stated the income from South Heidelberg and Lower Heidelberg for the 2010 budget is different than the monies we received for 2009. It is actually less. Mrs. Shade said we are going to get less money this year. Mrs. Shade said these numbers were based on numbers she received from Mr. Schlott. These numbers are based on actual flows numbers as opposed to the old way we use to bill. Mr. Butkus said they wanted to be billed on the flows. Mr. Wenrich asked for a roll call vote. AYES – 5, NAYS – 2 (Mr. Oswald and Mr. Wenrich); motion carried.

**COMMUNICATIONS:**

There were no communications.

**APPROVAL OF BILLS/LIST OF EMERGENCY BILLS:**

Mr. Wenrich stated everyone received a copy of the emergency bills that needed to be paid.

Lebanon Farms Trash - \$45,643.80 (two months of trash payments)

Credit Card Services - \$414.02 (two months of credit card charges)

Fleet Services (Sunoco) - \$3,301.95 (two months)

Leffler Energy - \$3,508.24

American Rock Salt - \$3,108.65

International Salt - \$3,032.70

UGI - \$618.81

PA American Water - \$2,683.86

PPL - \$1,323.23

**TOTAL: \$63,635.26**

**APPROVAL OF BILLS/LIST OF EMERGENCY BILLS (cont'd):**

Mr. Pachulo made the motion to pay the bills; seconded by Mr. Oswald. Mr. Leiby questioned how come those bills were not paid for two (2) months. Mr. Leiby said why weren't they paid last month? Mr. Mooney said you didn't approve the budget and in the resolution you only authorize emergency and necessary bills, so the Borough could continue to run while you were at the impasse. Nothing got paid that wasn't authorized by the resolution or by a budget that was passed and since no General Fund budget was passed no bills could be paid. Mr. Leiby questioned if those bills weren't considered necessary. Mr. Butkus thought the rock salt was an emergency and could be paid. Mr. Wenrich thought he was correct. Mr. Wenrich said neither he nor anyone else thought it would take two (2) months to hammer out a budget. Mrs. Shade said when the resolution was created it specifically named what bills could be paid and any necessary bills. That was done in January. She went on to say once the bills started coming in with finance charges on them, all those bills were forwarded to Council. Last week when some of our services were threatened to be turned off that is when this list of bills was generated. Mr. Leiby stated these were emergency bills and Mrs. Shade had the right to pay them. He said if you wanted to let the police cars run out of gas. Mrs. Shade stated she is the Secretary/Treasurer she does not make those decisions. He thought there were guidelines on what can be paid. Mr. Mooney told Mr. Leiby the budget is the guideline for paying the bills and you are to pass a budget so the bills can be paid. Mr. Leiby said it isn't his fault that someone walked out of a meeting so they didn't have a quorum to pass a budget. Mr. Mooney said he isn't blaming him to which Mr. Leiby said you are blaming them. Mr. Oswald said to blame Larry Schmidt isn't right either. Mr. Mooney said he is trying to explain why the bills weren't paid since Mr. Leiby asked. The budget is the guideline for paying and the authorization for paying the bills. You didn't have a budget as of January 1, 2010 so there was no authorization for the Secretary to pay the bills unless you somehow authorize the payment of the bills. In past years, you have never gone a month and half without a budget. Mr. Wenrich stated we did have enough people here but the seated Council couldn't bring themselves to approve or disprove a budget or even open it up for discussion. Mr. Oswald said it should be added that a lot of people who were on Council weren't even at that meeting. We shouldn't even have had that problem. AYES – 7, NAYS – 0; motion carried.

**WESTERN BERKS FIRE DEPARTMENT:**

Mr. Greg Deitrich said there was a total of forty five (45) calls for the month. Ten (10) were in Sinking Spring. They are averaging fourteen (14) people per call right now. Things are going well. They still don't have a Fire Commissioner but they are working on hiring one. Mr. Dietrich asked the residents to please shovel out their hydrant if one (1) is located on their property or their street. They had a call to the Penn Werner Hotel. The crews did a great job containing it to one (1) room. Ms. Sloan questioned if they were putting the hydrant locators on the hydrants to which Mr. Deitrich said they were already are on. He thanked Council.

**MILLER ENVIRONMENTAL:**

Mr. Peter Juzyk gave the report for January, 2010. They worked a lot with Wickersham this past month. There were no violations for discharge limit. Four Leaf Energy installed the capacitor for aerator number one (1). Capacitors have now been installed on both aerators. Franc Environmental was on site on 1/21/10 and removed grit from oxidation ditch two (2). They

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

observed a crack in RAS pump number two (2) casing on 1/21/10. It appears that this crack has been pre-existing but the damage was first noticed after some valves and piping were installed by Wickersham. He had the damage inspected by Kappe Associates and Thermal Welding and Technology. Both parties agree that the best course of action is to purchase a new casing if not a whole new pump. Mr. Juzyk is waiting for a quote from Kappe to see what the difference in the cost will be between the casing and a new pump. He has not received that as of yet. Mr. Wenrich requested that once he receives that information, he gets it to Mrs. Shade or Mr. Oswald so that the rest of Council can be made aware of that. Previously there was an approval for the WAS pump replacement. He had one (1) quote at the time but due to the significant amount of money he wanted to have at least three (3) quotes before he proceeded with that. He was only able to obtain one (1) quote for an exact replacement pump. That was from Equipompe for \$21,500 which did not include installation. The first quote he did receive included installation. It would be about the same cost. In addition, Mr. Juzyk did receive a price for a different pump from Borger. The quote for that is \$13,077.00 which is about \$8,000 less. Mr. Schlott has not reviewed the specs for that pump. A brief discussion ensued. The Borger pump would utilize the existing motor and it is an indirect belt driven unit. He did receive a fourth quote that evening. That quote was from Netch and their price quote was \$19,031.00 which does not include installation. Their pump includes a larger motor; we would then have to replace the VFD so their quote includes a different VFD. We would have to install it. Mr. Wenrich requested that we get all the information to Council as soon as possible. Mr. Juzyk would like to have Mr. Schlott look over the specs. Mr. Juzyk stated his written report also contains the wastewater plant data, the contributions by municipalities as well as the influent loading data. Ms. Sloan toured the plant and encouraged Council to visit it as well. It is a very well run plant. A lot of money is being spent on this. She stated it is a very well run plant and thanked Mr. Juzyk for his work. Mr. Leiby said in the newspaper it talked about increasing the capacity at the plant, he questioned if we were going to start selling off EDUs. Mr. Wenrich said he didn't believe that was ever mentioned at Council. We are basically increasing the capacity for any possible need down the road. Mr. Leiby said that is what we understand but people that want to develop read this in the newspaper. Mr. Butkus said the only capacity that was talked about was for the junior high that is outside of the Borough. Ms. Sloan stated and Traditions to which Mr. Butkus said that is in the Borough. Ms. Sloan said right. Mr. Wenrich said they can request and we can review it and then we decide if we have the additional capacity.

**REVITALIZATION:**

Mr. Pachulo said there is really no news. With the budget meetings nothing was really happening. There will be a meeting toward the end of the month.

**UNFINISHED BUSINESS:**

The first item was the bulk sewage agreement with Spring Township. Mr. Butkus said on page three (3) number four (4), it says "the Borough shall extend Sinking Spring system into Spring to service Spring's customers within the service area." He questioned if this means at our expense will we be extending our system if say a home in that area needs to be serviced? Mr. Mooney said the Borough in this instance would be the developer, who would get the capacity. Mr. Mooney stated this agreement is only covering those properties that are in "Exhibit A." The lines have

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

already been laid for all those; the laterals need to be connected. Mr. Butkus said based on the current map. Mr. Mooney said this doesn't cover that. It only covers what is mentioned in Exhibit A. Mr. Butkus understands that. Mr. Mooney said the lines have already been laid. Mr. Mooney said you would need to enter into another agreement to increase the size of the service area. Mr. Butkus said what he is asking is, it says there is "that the Borough shall extend the system." Mr. Butkus doesn't understand why we are extending our system and why we are not allowing our system to be extended. Mr. Mooney understands his question however the Borough did extend the system when they approved the developer to extend the system at their cost and put the line in because without your authorization they don't have the ability to do it. But as far as the agreement is concerned, the properties that are in the service area to be connected, that expenditure has already been made. Mr. Wenrich said he thinks what Mr. Butkus is trying to say is if another one (1) or two (2) houses are built out there, we have to extend the lines. Mr. Mooney said he understands that but you need an agreement to do that. There is no agreement covering any of those additional houses. This agreement covers what it covers. It said it covers about eleven (11) houses. Mr. Mooney read off the houses that are covered. Ms. Sloan asked if they have copies. Mr. Mooney said it was distributed electronically after the first meeting of the month. This was brought up at that time and Council said they wanted to see it so he left copies and it went out electronically. Mr. Butkus agreed. Ms. Sloan said she didn't have it. Mr. Butkus said it appears to him that we are the ones that are responsible for extending that line and if part of it is on Shillington Road that is where we know that development of offices are planned. A brief discussion ensued. Mr. Mooney again stated that Spring would have to come back to add that. When the agreement says the Borough shall, it is the Borough shall or cause to be, and you caused it to be when you allowed the developer to make the contribution. Mr. Butkus understood that. Mr. Mooney said the developer's contribution was to lay the line. Either the developer is going to lay the line or the developer is going to pay you to lay the line or you are not going to agree to extend the sewer. Mr. Mooney said he has never been in a municipality where a new development or new homes come out of the municipalities' pocket to extend the sewers. Mr. Butkus said right. Ms. Sloan asked Mr. Butkus what he would like to see there. Mr. Butkus said he doesn't know why that clause has to be in there. He said we aren't extending the system. Mr. Mooney said they are just following the same language that has been in all of the agreements. Ms. Sloan said maybe it is kind of a crappy agreement. Once the sewer pipes are put in and then there is a lot of damage in that particular development. Mr. Butkus said this isn't Brookfield Manor. Ms. Sloan said but recently we had a lot of damage in Brookfield. Mr. Butkus and Mr. Mooney both said Brookfield is in the Borough. Mr. Butkus said that was another issue. Mr. Leiby questioned if there is any harm in putting in a sentence to please him as he knows more about the sewer plant than all of us sitting there to which Ms. Sloan agreed. Mr. Mooney said if you want to put a sentence in there, he will go back to Mr. Lillis and have Spring reauthorize the approval and we will wait another month. Mr. Wenrich said table this for another month then. Ms. Sloan wants something that is right if he is concerned. Mr. Wenrich said is this just the one (1) agreement or both. Mr. Mooney said they are reciprocal agreements. He is assuming Spring will want to change their agreement as well.

**NEW BUSINESS:**

The first item under new business was the appointment of new members to the Recreation Board. Mrs. Shade explained that we have not had a rec board in quite some time. Herself, along

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

with Ms. White, and Mrs. Bohn has been the rec board. At the end of 2009, Mrs. Shade received a phone call from some residents of Brookfield Manor who would like to re-energize the rec board. Mrs. Shade had met with them about a week prior and explained what their duties would be along with what we have done in the past. They are willing to start it up. Their names are Lisa Gantner, Tracy Peterson, Jackie Smith, and Susan Biscanti. She was hoping Council would make a motion to appoint these ladies to our rec board in the hopes of resurrecting it. Mr. Oswald made the motion to appoint the above mentioned women to the rec board; seconded by Mr. Pachulo. AYES – 7, NAY – 0; motion carried. Mrs. Shade stated she received a phone call from one (1) of the new trustees of the social quarters and they are interested in having an Easter Egg Hunt on March 27<sup>th</sup>. That is the same day that we usually run. This year we are hopefully going to be going 50/50 with them on the hunt. The egg hunt will be at the fire company grounds. Mr. Wenrich stated if anyone is interested in donating to the event it would be gratefully appreciated.

No parking signs at the Sinking Spring Social Quarters were the next item on the agenda. There was a letter sent to Council via e-mail of a letter Mrs. Shade received regarding the signs. The signs would be on Ruth Street near the social quarters. This would be done via Ordinance. Mr. Oswald stated if he understood correctly parking was already limited. The request is for Ruth and Ralph Streets going east toward the adjacent alley even though parking is limited to the west side of Ruth they would like to see no parking in that block at all. The reason for the request is that the fire apparatus would be easier to maneuver a right hand turn down Ruth. Mr. Oswald said he remembered getting an e-mail saying this is a social request, and Mr. Wenrich agreed. The fire company never requested this. The fire service never brought it up. Mr. Butkus made the suggestion if the fire suppression side feels it is necessary let them bring it up to Council. Mr. Pachulo said he will bring it up at the Trustee Meeting the next week. They might need to study this at each firehouse. This item was tabled.

The next item was raises for the Library staff. Mrs. Shade stated their hours have been cut and it was asked if they are bound to the one (1%) percent raises or could they get more of a raise since the hours were cut. Mrs. Shade stated they now close at 1:00 p.m. on a Friday as compared to 3:00 p.m. Ms. Sloan feels they should fall under the 1% raises just like the other non uniformed employees. Mr. Leiby thought they could divide their money up any way they would like to. He said we give them a flat amount; it is out of our hands. Their allocation was dropped to \$33,000 from \$35,000 however they were always thought upon as Borough employees. They get pension, sick time, along with some other benefits. Mr. Leiby said so in the past we have decided what their rates were to which Mrs. Shade said yes. Mr. Butkus said it was the State that cut their hours. Mr. Pachulo feels it should be one (1%) percent. Council as a whole agreed they should get the one (1%) percent increase. Mr. Butkus made a motion that the Library staff receive the same one (1%) percent raise as the rest of the non uniformed employees do; seconded by Mr. Pachulo. AYES – 7, NAYS – 0; motion carried.

Council needed to appoint a new Solicitor to the Zoning Hearing Board as Mr. Gene Venzke, has retired. The name of the new Solicitor is Mr. Andrew George. A discussion ensued and it was decided to appoint the firm and that would alleviate from having to come back if this gentleman retires as well, Mr. Mooney stated. Mr. Pachulo made a motion to appoint Mogel, Speidel, Bobb, and Kershner as the new Solicitors for the Zoning Hearing Board; seconded by

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

Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

The next item was the appointment to a fill a vacant Planning Commission seat. Mr. Pachuillo stated he officially stepped down from the Planning Commission as his schedule will not permit it. That led them to an open seat. At the last meeting it was discussed for a replacement for the seat. The Commission had a few names that expressed interest in filling a seat if one (1) ever became vacant. The names are Mr. John Stine and the other is Mr. Bruce Light. The Commission recommends either of these gentlemen to fill the vacancy. Mr. Pachuillo said he was in contact with Mr. Stine originally and since he was first, he would like to recommend Mr. John Stine to the planning commission. Mr. Pachuillo made the motion to appoint Mr. John Stine to the open Planning Commission seat; seconded by Mr. Oswald. Mr. Butkus questioned if we have gotten away from the practice of advertising for open seats on various boards. Mrs. Shade stated we have advertised in the past costing quite a bit of money and no one responds. She went on to say she does have letters from both Mr. Stine and Mr. Light requesting if seats become available that their name be put for consideration. Mr. Pachuillo said for a number of years we were running with only five (5) members of a seven (7) member board because no one would fill those positions. Mrs. Shade again stated that these seats were heavily advertised and not one person responded. Mrs. Shade stated we probably spent more on advertising open seats on the Planning Commission than any other board. Mrs. Sloan stated aren't we requested to advertise to which the answer was no. Mr. Butkus said so we should just tell people to send their letters in and we will keep it on file. Mr. Wenrich said or we could re-advertise for this seat and table it until next meeting. Ms. Sloan feels that would be a good idea. Mrs. Shade reminded Council that our budgets are limited and advertising is costly. Mr. Oswald agreed and stated a lot of our advertising costs are going toward the advertising of the budget itself. Mr. Pachuillo feels both candidates are qualified and Mr. Stine has served before. They both are public servants to the Borough. Mr. Pachuillo said we got a lot of the names through word of mouth not really advertising. The Planning Commission made the recommendation to Council. Mrs. Shade stated we had AYES – 4, NAYS – 2 (Mr. Butkus, and Ms. Sloan), ABSTAIN – 1 (Mrs. Stine); Mr. Leiby said he didn't vote. Mr. Mooney said he has a duty to vote one way or another. Mr. Wenrich said we will do a roll call vote. AYES – 3, NAYS – 3 (Mr. Butkus, Mr. Leiby, and Ms. Sloan), ABSTAIN – 1 (Mrs. Stine). Mayor Butkus voted for Mr. Stine so the motion carried. The meeting is the fourth Tuesday at 7:00 p.m.

The next item was appointing part time employees to the road crew. Mr. Hart said we had \$1,000.00 budgeted for part time help. We had not used this for the last two (2) years. He did have one (1) reserve person available that we could use at any given moment however he has since taken a job someplace else so he is no longer available. Mr. Hart has two names that are interested in doing part time driving if needed. He has not had a chance to speak to them but he was looking for the "okay" to move ahead with it. Mr. Oswald questioned if they would be ready for this Wednesday's storm. Mr. Hart also informed Council they were plowing for nineteen (19) hours straight. Mr. Wenrich said they did a wonderful job. Mr. Butkus questioned if we could authorize a preapproved list and check the guys out before the storm. He can go with the part timers as he deems necessary. Mr. Oswald made a motion to leave it to Mr. Hart's discretion on hiring part timers as fast as possible; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried. Mr. Butkus questioned if we have a rate to pay them to which Mr. Hart said \$10.00 an hour.



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

Mr. Mooney was asking for authorization to draft an amendment to the Police Pension Plan Ordinance. The State passed the Police Death Benefits Act which will alleviate the Borough from paying benefits for police officers in the event of their death. It actually ups the police benefits to \$100,000.00 one (1) time cash endowment plus their salary to their dependents with adjustments. The State pays those monies in the event that a police officer is killed in action or in the course of his duties. We must pass an amendment to our Ordinance for them to pay the monies in the event that this happens. Mr. Butkus made a motion to authorize Mr. Mooney to draw up the appropriate amendment to the Police Pension Ordinance; seconded by Ms. Sloan. AYES – 7, NAYS – 0; motion carried.

The other item has to do with Lebanon Farms. They are looking for authorization to have discussions with them regarding an amendment to our trash disposal contract because we had a ten (10%) percent grace allowance but we are going to go over that. They didn't charge us for any new accounts within a ten (10%) range and it was in our contract. With Brookfield Manor's addition we are going to go over that amount. We need a change order. Mr. Butkus thought we did include Brookfield Manor in our count. Mr. Mooney said the number that was in our contract was 1,200 homes and we are going to be over 1,400 homes at this point. So, your 1,200 plus 120 would take us to 1,320. We are over that. Mr. Butkus agreed. Mr. Butkus questioned if we had that many gains in Brookfield. Mrs. Shade stated there are 91. Mrs. Shade stated she believes the problem is that some of the homes are multi unit dwellings. This leans itself to having the home inspections as we would then know this. She said some single homes have turned into multifamily homes without our knowledge. Mr. Leiby questioned if we could challenge the ten (10%) percent. Mr. Leiby stated there isn't ten (10%) percent. A brief discussion ensued. Mr. Wenrich said we will table this till some real numbers can be discussed. Mr. Mooney asked if they should have discussions with Lebanon Farms to which the answer was yes. Ms. White said they are counting each apartment as a unit. Mrs. Shade said that is what she was saying about the multifamily dwellings. Ms. White said there are like 73 rentals properties that are 183 units. Mr. Mooney said each unit is a household. Mr. Leiby said well all the new development is not apartments. Mr. Mooney said we underestimated before. Mr. Wenrich said they are talking about the homes in old Sinking Spring that have been converted to apartments. Mr. Wenrich said they are counted as one (1) but now there could be four (4) units in there. The trash man is picking up for four (4) units now instead of the one (1) unit. Mr. Leiby questioned if this happened since Mr. Hart was Codes. Mr. Mooney said what Ms. White is saying is that we underestimated in the beginning how many residences we had. Mr. Leiby understood that then. Mr. Wenrich said we are going to have to establish a more accurate number and then there will need to be open dialogue with Lebanon Farms. Ms. Sloan questioned if Mrs. Shade was taking care of the late charges. Mrs. Shade said we have deducted some of the late charges; some have not been placed on them as of yet. Mrs. Shade said we aren't going to be able to get away from them on the utilities however some of the businesses we will try. Ms. Sloan questioned if we don't have a budget passed and we are still are within the State parameters why are these businesses whacking us with late charges? Mr. Mooney said the Borough is way outside the State parameters. In addition, Council was told if a budget was not passed in December there would be consequences and this is one of them. Ms. Sloan questioned if in December instead of adjourning that meeting could that meeting have been placed in recess. Mr. Mooney said that meeting had to be adjourned. He went on to tell Ms. Sloan she was not at the December meeting

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

but this is what happened. Mr. Schmidt after trying to pass the budget left. They contacted a Councilperson who was hospitalized to make the quorum. He made the motion to pass the budget. No one seated in the room would second his motion to pass the budget. When no one seconded the motion the phone was hung up. That meant there was no quorum. The meeting was adjourned for a lack of a quorum. Ms. Sloan said the meeting had to be adjourned if there was not a quorum. Mr. Wenrich stated we tried to pass a budget twice. Mr. Bruce Light stood up and stated he needed to defend Mr. Larry Schmidt. Mr. Light stated at the beginning of that meeting in December you were asked to call me at the hospital for his vote. Mr. Wenrich said that was correct. At that time two members of Council told you it wasn't necessary for you to call me. When this came down and a second was needed for the motion no one would do it. He got fed up and walked out. The fact was that after he walked out Mr. Butkus made a statement "I was going to second it, but he walked out." Mr. Light's question is if he was going to second it and you called Mr. Light for the vote and Mr. Light made the motion why didn't he second it then while he was on the phone. Why are they using Mr. Schmidt as the scapegoat because he walked out of the meeting when Mr. Butkus could have seconded the motion not once but twice? There is proof that they were never going to second that motion. He wanted the public and the newspaper to know that they did call him and he did make the motion and Mr. (George) Butkus didn't second the motion when he said he would have for Mr. Larry Schmidt. In defense of Larry this is wrong. He thanked Council. Mr. Wenrich said to see what we could find; he appointed Mrs. Shade the contact person and to bring the information back to Council for the next meeting.

Mr. Wenrich stated he and the Mayor sat down earlier in that day and has requested that we put on one (1) extra police officer in snow emergencies. Chief Oxenreider stated that between himself and Officer Schweyer they ticketed over forty five (45) vehicles. It ties up the Officer on duty. Mr. Leiby said the Mayor is in charge of the police why does he need to come to Council. He can decide how many police officers he needs. He is over the police department. Mr. Wenrich said that is true. Mr. Leiby went on to say he never remembers Mayor Noecker coming before Council and asking for stuff. Mr. Wenrich is just relaying to Council the discussion that happened. He asked Mr. Wenrich. Mr. Wenrich said he would not expect the Mayor to dive into Council's business without asking first. Mr. Leiby thinks he has the right to do it without even telling us. Mayor Butkus said he tried to do it as a courtesy. Ms. Sloan questioned what are we doing with the garbage? She questioned are we putting that out later or what? Mr. Wenrich said Wednesday is our pick up day the only way that will change is if they (Lebanon Farms) don't work. If they don't work, they will call us and tell us that. Mr. Wenrich isn't going around to each homeowner and telling them not to put their trash out. They want to stick to their schedule. They will get back to us. Mrs. Shade said they will do their holiday schedule if they don't pick it up. A brief discussion ensued. Mrs. Shade said she gave Mr. Hart his cell phone number to call. The owners of the company will be going to their business around 3:00 a.m. Wednesday, and that is when they will make the call if the trucks will go out or not. Mr. Wenrich stated the trash situation is up in the air. Chief Oxenreider questioned if we could use the Code Red. Mrs. Shade said she will check with Mr. Tom Bausher if we could use this method of getting the word out. She thought this was a great idea. Someone will have to make the decision if this would be considered an emergency. Ms. Sloan stated it is all over the news that we are going to be hit with another terrorist attack, she was wondering in regards to the NIMS training if Mr. Bausher would recommend any further NIMS courses. Mrs. Shade said he will be coming to the March meeting to inform Council exactly what

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

training they should have. He was to come that evening but with the passing of the budgets that took priority. Mrs. Shade reminded Council they need to submit the paperwork to her and have their pictures taken for the County Identification Program. There are various locations around the County where you can get your photos taken at. Ms. Sloan heard that other municipalities are doing additional training.

**BOROUGH ENGINEER – PETER EISENBROWN:**

Mr. Eisenbrown had three (3) items from the Planning Commission that needed to be discussed. The first are two (2) plans that are still active. The first is the Terrace at Sinking Spring and the Hofmann Tract. Both are time extensions. The Planning Commission has recommended the time extensions. The first is the Terrace plans. It was a ninety (90) day extensions which would take them to May 22, 2010. Mr. Butkus made a motion to accept the time extension for ninety (90) days which takes us to May 22, 2010 for the Terrace at Sinking Spring plan; seconded by Mr. Oswald. AYES – 7, NAYS – 0; motion carried.

The second project was the Hofmann track. That also was a ninety (90) day time extension. This would take us to May 23, 2010. Mr. Butkus made a motion to accept the ninety (90) day time extension for the Hofmann Track plan which takes us to May 23, 2010; seconded by Mr. Pachuillo. AYES – 7, NAYS – 0; motion carried.

The third item has to do with the Zoning and Saldo Ordinances. The Planning Commission has been working with the Revitalization Committee as well as the Public Works Department. It is a work in process. Planning Commission has seen it and they made the recommendation to send this to Borough Council at this time for their review. There is nothing to take action on. He will leave a copy with Mr. Hart. If someone wants a hard copy just let them know. It is a very large document.

**PUBLIC WORKS DIRECTOR – MICHAEL HART:**

Mr. Hart was looking for some guidance on which way to go with the curbing issue on Columbia Avenue. A resident came in and complained that some did not repair or replace their curbing so he was told to get some prices and he had them there that evening. The highest price was from Michael Wohl - \$10,000.00, Bertolet - \$9,660.00, Berkshire Concrete Systems - \$9,264.00 and Dan Izzi - \$8, 820.00. This would be to do the remaining 138 feet. Mr. Butkus questioned if we would be leaning the properties to which the answer was yes. This will probably be coming out of the highway General Fund budget. At some later date we will get it back. Mr. Butkus made a motion to have Mr. Hart secure the lowest bid pending the okay from our Solicitor and then we lean the associated properties; seconded Mr. Leiby. Mr. Leiby questioned if we could go to the District Justice and try to get paid first. Mr. Leiby stated Mr. Hart doesn't hesitate taking him in front of the District Justice, Ann Young. Mr. Leiby asked if he had taken them to the District Justice. Mr. Hart said not for this issue. Mr. Leiby said Mr. Butkus is worried that we won't see the money till the people die. Mr. Leiby said the one guy got so upset he sold his house and is moving out of town. Mr. Pachuillo said once the house sells you get your money also. Mr. Butkus said his property wasn't one (1) of the ones that has the problem. Mr. Hart stated he did

**PUBLIC WORKS DIRECTOR – MICHAEL HART (cont'd):**

send out notices and then it was brought to Council. Council decided to do this route. Mr. Wenrich said this way it's done. Mr. Mooney said this is a civil suit. You can't sue it for work that you intend to do. You must do the work first. Mr. Leiby said he understood. Mr. Wenrich said let's get the work done then we can decide the next step. It is about eleven (11) properties. AYES – 7, NAYS – 0; motion carried.

Mr. Wenrich said he knows we have a problem on a few properties for not removing their snow. He is sure they have been cited. He knows everyone is busy but our pedestrian traffic needs a way to get through and not walking in the streets. The Mayor approached him about having the guys on the road crew do it and then bill the owners of the properties involved. Mr. Butkus said isn't what we did when people don't mow their grass? Mr. Wenrich asked Council for their feelings. Ms. Sloan feels it is a good idea and could he get it done before the next foot of snow is due to fall. Mr. Hart said he can try but he can't guarantee it. The next day he has streets posted where they will be hauling snow off certain streets. Chief Oxenreider said it is so packed down it is ice now. Mr. Hart said right now we are maintaining the Nitka property on Queen Street also. There are a few properties that don't do any cleaning up after the snow. Council wanted the Ordinance enforced.

**ARRO CONSULTING – BRADLEY SMITH:**

Mr. Smith stated the plant upgrade and expansion is ongoing. There were two (2) payment requests. Application number six (6) for Wickersham Construction for this period is \$267,142.00. The application for payment submitted was for work up to January 22, 2010. The other application for payment was for Hirneisen Electric. This is payment number two (2). It is for \$33,426.63. The application reflects work to January 22, 2010. They recommend the Borough authorize both payments. Mr. Oswald made a motion to authorize both payments; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried.

DEP did visit the plant. An article was attached to their report.

In regards to Brookfield Manor Phase I & II, as built drawings have been approved. There are no other related issues.

The next item was in regards to Terrace at Sinking Spring. They would like to have Council give them guidance as to whether they would like to take dedication of the sanitary sewer. This can be discussed by the committee first. Ms. Sloan questioned if there was some reason we shouldn't take dedication. Mr. Smith said previously when it was laid out most of the sewer was going through open space and private roads. It has since been redesigned and there is two (2) section of private road and then one (1) section in the public right of way. The recommendation is if it was going to be on private road and open space you wouldn't want it however now that they are going down a public street, they now feel we should take ownership of it. Ms. Sloan said is there any downside to taking dedication to which Mr. Butkus said you must maintain it. Mr. Butkus questioned how many linear feet we were talking about. Mr. Smith could not recall off the top of his head. Mr. Smith said it is currently connected into Spring's line as it looks now. They would

**ARRO CONSULTING – BRADLEY SMITH(cont'd):**

like to talk with them about and alternate connection point to our interceptor so they don't have to cross Spring Township's interceptor. A brief discussion ensued. This item was tabled until more information is available. Mr. Butkus thought tying into the Spring line was brought to their attention before. Ms. Sloan would like to know the linear feet. Mr. Leiby feels it should come into our line. He doesn't want to get tied up in another agreement with Spring Township.

**POLICE CHIEF – JAMES OXENREIDER:**

The Chief said we responded to 159 calls in January, 31 traffic citations, 2 parking tickets, and 10 warning notices.

**PUBLIC COMMENT:**

Mr. Harting wanted to know what the per capita was. He said you pay \$10.00 to the school district and \$5.00 to the Borough. He wanted to know why the per capita didn't go onto the budget. Mrs. Shade said it is in the budget. Mr. Harting said why are you only charging \$5.00? He said you said you have multiple people going into the units tonight that would be a source of more income. Mr. Oswald said it is a fixed amount. Mrs. Shade said that was the maximum you can collect as a Borough. Mrs. Shade said that is the reason we send out the census forms. We are trying to keep track of all the people in the Borough so we can charge them the \$5.00. Mr. Butkus said that was true because we also wondered if it was cost efficient to keep it. Mr. Butkus said if we are having trouble of getting an actual count on how many residences are in the Borough would it behoove the Borough to hire someone over the summer to do a count. Mrs. Shade said the federal census will be beginning this year. Mr. Butkus said they can only share certain information with us. Mrs. Shade said you will get a count of how many people there are. Mr. Butkus said yes, but not residences. Mrs. Shade went on to say that is why the past Council was looking into doing inspections on homes and apartments in the Borough. She continued it will require more people but that might be money better spent to which Mr. Hart agreed. A brief discussion ensued as to how would you know if people are illegally changing their single family home into a multi unit dwelling? Mrs. Shade said we get many complaints about landlords and how bad some of them are. Mr. Hart feels the landlord ordinance would be great but it will require someone to do it. One simple way to see if a single unit is a multi unit would be electric meters. Most landlords don't want to pay for the electric so they will put in another meter so they don't have to pay the electric. That would be one (1) quick way to ID a multi unit property. Mr. Butkus questioned if we could request the meters that are on each building from the electric company. Mr. Wenrich stated he would like Mrs. Shade to contact the electric company and try and get that information. Mr. Harting addressed Council from his seat but it was inaudible. Mr. Hart explained to Mr. Harting that if you have multi meters at one location that is telling him it is a multiple family dwelling. Mr. Wenrich said this is more of a guide. Mr. Leiby feels we could get a count from the cable company if the electric meter thing doesn't work. Mr. Leiby said we get a franchise fee from them. Mr. Butkus said yeah, but people now have satellites and everything. Mr. Brian Fry said the County Tax records will have the owner's name and address on it and if they don't match. Mrs. Shade said our multi unit buildings; we bill the landlords so we do have that type of information. Mrs. Shade stated if Mr. Leiby is the owner of a property, we have it listed under Mr. Leiby, we send out a census form and it comes back where others are living there, that is where we are coming up short.

**PUBLIC COMMENT (cont'd):**

Mr. Fry feels we should be able to identify most of the rental properties by comparing the owner's tax billing address by the address that is on the property. Mr. Wenrich said that is correct, but like Mrs. Shade was stating we aren't aware if it is a one (1) unit or a two (2) or more unit. That isn't on the bill. We are trying to catch the ones that are falling through the tracks. Mr. Butkus said what about Berks Earned Income Tax. We can't find out how much money we are collecting but someone told him we could get the addresses. Mr. Gary Cirulli said you can't do anything without a subpoena.

Mr. Cirulli questioned what the status was on the \$20,000 owed to us from South Heidelberg Township. Mr. Cirulli said if he remembered correctly last year's Council made a motion to go after them civilly. Why wasn't this done? Mr. Cirulli said if that was his bill and it wasn't paid we would be turning his water off. He went on to say the Borough is in debt and yet how many months is that bill outstanding. Mr. Butkus asked Mr. Mooney where this was at. Mr. Mooney said this is the first he was hearing of this. Mr. Wenrich said Mr. Fitzpatrick was aware of it. Mr. Butkus said Council had addressed it that the time. Mr. Mooney said do you want to sue them. Mrs. Stine questioned if anyone had heard anything from them as to when they were going to pay. Mr. Butkus said his impression was that Mr. Fitzpatrick had a discussion with them in December. Mr. Wenrich said if he wasn't mistaken funding was to be coming from them; Mrs. Shade said that was Lower Heidelberg. Mrs. Shade said that South has paid us \$36,000; they owe us an additional roughly \$28,000.00. She said that there were some new calculations being put together by Mr. Schlott. Mr. Butkus questioned if they received a bill for the \$28,000.00 amount to which Mrs. Shade said yes. Mr. Cirulli said that was not part of the agreement. Mr. Cirulli said he is against renting out the street sweeper to other municipalities. He said he is a tax payer; his tax dollars went to the purchasing of that street sweeper and he doesn't want to see any other municipality using it. If it breaks down, who is responsible for the bill? Mr. Cirulli said we are. He doesn't care what we are getting per hour it still won't cover the cost of repairs; just to make a few bucks is ridiculous. He wanted Council to use their common sense. This is ours; the taxpayers of Sinking Spring own that. Mr. Wenrich said that was never approved through Council. Mr. Cirulli understands someone was talking about renting it out again he stated this was bought by the Borough and should stay in the Borough. Mr. Wenrich asked Mr. Mooney to contact the two Heidelbergs (and if Mr. Wenrich was not mistaken, he said we gave them an ultimatum to which Mr. Butkus said yes) and check with Mr. Fitzpatrick on this. He wanted the information for the next meeting. Mr. Butkus said Council had already authorized action on it already. Mrs. Shade believed Ms. Sloan had contact with someone at South Heidelberg Township and something was mentioned at the last meeting about this. Ms. Sloan said she had lunch with a gentleman from South but it had nothing to do with the sewer bill. He is the new President. She did give him the figure of \$28,383.25; he said as soon as they had a bill in hand they would pay it. That is what he told her. She was not sure if they were confused by the bills or what. She said perhaps a new bill should be sent. Mrs. Shade didn't know how they came up with just sending us \$36,000.00. Ms. Sloan recommends that we resend them a bill for the \$28,383.25 and he said with bill in hand they will pay us over lunch. Mr. Francis Butkus said according to the agreement we have don't we have to do a reconciliation at the end of the year to which the answer was yes. He asked if that could possibly be the reason since there was no reconciliation. He also questioned who does that to which Mr. Mooney said the Engineer will. Mr. Mooney said what it sounds like to him is that they are trying to estimate their own reconciliation

**PUBLIC COMMENT:**

through the course of the year and pay what they think they owe as opposed to what we tell them they owe. They would then get their refund when it would be due. Mr. Butkus questioned where is the agreement with Lower? He understood it was returned to Mr. Mooney's law firm with comments at some point. Mr. Mooney said all he could do was ask Mr. Fitzpatrick as he was handling the matter. If he would have gotten the question earlier he could have gotten an answer for tonight. Mr. Wenrich said we are in transition right now. Mr. Mooney said his understanding with Lower was that they switched software systems and they haven't billed their residents; he thought they billed them in December. They were trying to phase in a year of payments over the next three (3) months. Mrs. Shade said we were paid the first and second quarters of 2009 from Lower Heidelberg. That money came in the end of November beginning of December. That amount is the amount that was billed and no interest or penalties were paid. Mr. Mooney said they were going to attempt to bill their residents for the third and fourth quarters of 2009 before the first quarter of this year actually becomes due. They didn't bill any sewer last year because they thought their software was doing it but it wasn't. Mrs. Shade said they actually approached us about doing their billing for them. We met with them a few times and nothing ever occurred. She believed they showed interest to Mr. Fitzpatrick about this yet nothing ever happened. She believed an agreement was even put together but nothing ever happened. Mr. Wenrich said they were waiting for something and then they would pay. Ms. Sloan said in fairness to Mr. Mullaly (new President at South Heidelberg) he said they would pay it. Ms. Sloan said she will give him another courtesy call.

**TREASURER REPORT:**General Account

|                                     |            |              |
|-------------------------------------|------------|--------------|
| Opening Balance – December 29, 2009 |            | \$187,867.27 |
| PLGIT                               |            | 9,095.91     |
| Invest                              | Recreation | 49,527.23    |
|                                     | General    | 4,390.95     |
| Deposits as of February 4, 2010     |            | 80,296.32    |
| Checks Written                      |            | 86,779.90    |
| Payroll                             |            | 98,446.14    |
| PennVest Auto Debits                |            | 5,152.94     |
| Bank Fees                           |            | <u>19.52</u> |
| Balance as of February 4, 2010      |            | \$140,779.18 |

Sewer Account

|                                     |  |               |
|-------------------------------------|--|---------------|
| Opening Balance – December 29, 2009 |  | \$281,461.20  |
| PLGIT                               |  | 61,270.71     |
| Invest                              |  | 421,531.97    |
| Deposits as of February 4, 2010     |  | 539,575.64    |
| Checks Written                      |  | 476,174.31    |
| PennVest Auto Debits                |  | 9,462.45      |
| Bank Fees                           |  | <u>136.89</u> |
| Balance as of February 4, 2010      |  | \$818,065.87  |

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

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

**ADJOURNMENT:**

Mr. Pachulo made a motion to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

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Regina M. Shade  
Borough Secretary/Treasurer