

The monthly workshop meeting of the Borough Council of the Borough of Sinking Spring was called to order on Wednesday, March 26, 2008 at 7:00 p.m., at the Sinking Spring Borough Hall by President Stewart Wenrich. Mrs. 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 (absent)

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, and Regina Shade, Borough Secretary/Treasurer, who recorded the minutes of the proceedings.

VISITORS:

There were no visitors.

COMMUNICATIONS:

Mrs. Kutz gave Mrs. Shade three (3) pieces of correspondence. The first was a letter from the Borough of Wernersville requesting a count of how many Council people will be attending their Memorial Day Parade. She then read two (2) letters from students at Wilson High School. The first letter was from Tajh Hickerson who would like to see a rec center at the site of the old Boscov's. The second letter was from Nicholas Stine. He would like to see a skate part at the same site. A discussion ensued about the skate park and the cost of insurance. Mrs. Shade was going to send them a letter thanking them for their interest. The letters were turned back over to the Rec Board for their consideration.

BUSINESS:

The first item on the agenda was the official plan. This is for the Revitalization Project. Mr. Eisenbrown explained the plan and what we were looking to do. Mr. Eisenbrown was requesting the start up of the process of adopting the official map. The process will take several months. The map is not required to be adopted at the end of the process, but it can't be adopted without the process. This is a very valuable tool. If someone wanted to come in and wanted to develop the area where a possible roadway might be, it would prevent them from doing that. We have zoning laws that would do that and this would be another tool. It would prevent them from ultimately "ruining" what we might be trying to do. They were looking for just a motion to start the process. The process would be seeing that the Berks County Planning Commission along with the Borough Planning Commission would get copies of the plans and they would make any recommendations back to the Borough that they deem important. We would then advertise it, people could comment

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on it, and ultimately you would adopt it, Mr. Eisenbrown said. Without Council's nod to move forward there is very little that we can do. We are not looking for approval tonight just to move forward with the plan. Mr. Pachulo was at the meeting to answer any questions they might have as well. Mr. Eisenbrown displayed the working map. Mr. Fitzpatrick stated this map shows various roads that are contemplated for some time in the future. If the Planning Commission and the Berks County Planning Commission recommend adoption of this map or some type of similar map, this would need to come before Borough Council for a public hearing very similar to a rezoning hearing. It would then if adopted because part of the Official Map of the Borough. The effect of this is two (2) fold. If someone who owned property which would be in the proposed area wanted to build a building they would be prevented from doing so because it would increase the cost to the Borough to complete this plan. If an existing building there could not be added to as well. The second point is that we are not condemning or acquiring land and this plan could be changed at any time. There is no commitment of the Borough to develop in accordance to this plan. It is merely a map that could serve as a basis for development but it is not a commitment by the Borough, Mr. Fitzpatrick said. Mr. Butkus questioned if we are affecting the people from selling their property that would be affected by the plan. Mr. Fitzpatrick said if Mr. Dell came forward a wanted to place a building on an area where a proposed roadway is located, that would have an adverse effect on his ability to develop there. Would he be able to sell it, Mr. Fitzpatrick stated, yes but the buyer would need to know what he can or can't put there. Mr. Butkus asked if it was the same process to amend it as it is to adopt it. Mr. Fitzpatrick said yes. Mr. Eisenbrown stated there was a very positive meeting between Mr. Robert Ludgate, Sr., Ms. Sandy Graffius, and Mr. Albert Boscov. Mr. Boscov appeared to be very interested in this project as well. A brief discussed ensued about the plan. Mr. Schmidt stated this is no more than we would ask any developer to do. The answer was yes. Mr. Fitzpatrick stated no one was asking Council to adopt anything. Mr. Butkus questioned if this map would be in conjunction with our Comprehensive Plan. Mr. Fitzpatrick stated that was correct. Mr. Zerr has taken this to the Corridor Project and he is working with them. There will never be a bypass around Sinking Spring like some would like to see. Mr. Pauchilo said this plan was created by Ludgate. This is not a pipe dream; there was a lot that went into it. Mr. Pauchilo stated if we do nothing; nothing will happen. This is a start. We are laying the ground work to boost the economic growth within the Borough. Mr. Schmidt made a motion to send this to the Planning Commission and the Berks County Planning Commission; seconded by Mrs. Kutz. Mr. Butkus asked the cost of this. Mr. Zerr said if all the municipalities go into it; it will be a fraction of the cost but he didn't know the whole cost. Mrs. Shade questioned if he was looking for the total cost or just for the submission of the plans. Mr. Fitzpatrick stated that the Berks County Planning Commission along with our Planning Commission will not cost us anything. Mr. Butkus questioned if there are any engineering fees. The answer was no. Mr. Eisenbrown stated we are exempt for the County as we are a municipality. AYES – 6, NAYS – 0; motion carried.

The next item was the Revitalization Project. This was discussed along with the Map.

The bulk cleanup is Wednesday, April 16, 2008.

Mr. Wenrich changed the meeting date from April 3, 2008 to April 16, 2008. Mr. Wenrich feels this will give the committee that is examining whether the Authority should become a working Authority enough time to gather the information they need. There will not be a workshop meeting

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in April. It is a Wednesday.

The next item was a secretary for the ad hoc committee. The committee is seeking the pros and cons of having a working authority. Mr. Butkus has no problem with anyone being secretary however he wants to be able to have Ms. White come in if there are questions needed in regards to the billing. He continued the first meeting they might not need a secretary at all; it will be probably an informational meeting. Mr. Schmidt said that maybe the first one we could do without and if after that meeting it appears we need one then one could start attending. Mr. Butkus was fine with that. The first meeting will be Monday, March 31st at 7:00 p.m. here at the Borough Hall.

The next item was the Haz Mat Ordinance. Mr. Fitzpatrick stated the Safety Committee has reviewed the Ordinance that he had submitted. This Ordinance is for cleanup of hazardous materials so that the fire company could get reimbursed for doing that. The committee then addressed the issue is this broad enough to cover a cleanup that does not have hazardous materials? He does believe it is broad enough to recover those costs. The Safety Committee is happy with it. If Council so chooses, this can be advertised and be ready for adoption at the April 16, 2008 meeting. There would be a resolution that will be adopted as well. The Safety Committee submitted a list of expenses that would be incurred by the fire company at these types of events. Mr. Zerr made a motion to authorize Mr. Fitzpatrick to advertise this Ordinance for adoption at the April 16, 2008 meeting; seconded by Mr. Butkus. AYES – 6, NAYS – 0; motion carried.

The mass gathering Ordinance was next on the agenda. We had looked at this last July and a draft was created. The concept is to control gatherings back at Konopelski's. The Safety Committee has looked at this as well and has placed some changes in there. The concept was to give the Borough some control even if the gathering was actually happening in a surrounding municipality. This was done at the urgency of Spring Township. One (1) of the things that the Committee requested was to have a fee put in. The fee is \$2,000.00. He will need to put this fee up. They sat down and figured what it would cost to place another police officer on, the cost of the public works department, etc. If that \$2,000.00 fee is not used the unused portion will be returned to him. There is another section in which he will need to put up a bond amount depending on the amount of people at the gathering. It can be anywhere between \$1,000.00 up to \$25,000.00. This goes back to him if we don't incur any big expenses. The number of people will need to be estimated. When the \$2,000.00 is expended then we will use bond money if needed. The Mayor questioned since it was always a public park was there a loophole there that we couldn't put on this assessment. Mr. Wenrich stated it is now private property since Konopelski bought it. It is posted as private property. It is not public anymore. This can be applied anywhere there is a mass gathering; however it kicks in for events of 500 people or more. Mr. Francis Butkus questioned if we get any money from that. The answer was no. We get nothing as the bulk of this is in Spring Township. Mr. Pachulo questioned if they pay Business Privilege Tax. It was not known however if they do pay it, it would go to Spring Township. Mrs. Shade explained that the Wilson School District collects the tax and we get half of what they collect. However, the park is located mostly in Spring Township. The Committee would like this past as soon as possible since the event is not that far off. Mr. Zerr made a motion to authorize Mr. Fitzpatrick to advertise the mass gathering ordinance; seconded by Mr. Schmidt. AYES – 6, NAYS – 0; motion carried.

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The next item was the resolution for the Liquid Fuels escalator cost. Mr. Hart explained that last year we passed a resolution for Vester Place. We don't meet the threshold of 100 liquid tons of asphalt. By passing this we get a better price break. He would like to have the resolution for "now on" not just for Ashley. We would just keep updating the prices. Mr. Zerr made the motion to adopt the resolution; seconded by Mr. Light. AYES – 6, NAYS – 0; motion carried.

Mr. Zerr stated the Safety Committee was asked to come up with a comprehensive plan for up at Brookfield. The Safety Committee reviewed it. The Chairman of the Safety Committee along with the Chairman of the Rec Committee, Mr. Hart, and Mrs. Shade went up to Brookfield Manor playground area. The Safety Committee is on board with what Mr. Hart and Mrs. Kutz would like to do. It was agreed that Mr. Hart will get together with Mrs. Kutz to establish what should be planted back there. Mr. Hart will be meeting with Mrs. Kutz's husband about what would do well. It was decided before anything goes in they will meet with the Enoch's (the neighbors). He would like them on board too. The Police Chief is on board with this. Mr. Schmidt questioned if this was being paid by the developer. Mr. Hart said when he met with the Enoch's they were paid money for plantings. Mr. Schmidt asked if this was in addition to the dead trees. Mr. Zerr said yes. During the first conversation Mr. Hart had with Mrs. Enoch, the money they received from the developer she was going to turn over to the Borough for the plantings.

Mayor Noecker stated that Dennis Moyer will be returning to work on April 1, 2008. Mr. Zerr stated we will need to ratify this as there were some outstanding issues that had not been decided on. Mr. Zerr requested an executive session on this.

Mr. Butkus stated he met with Pete from the sewer plant and they are starting the grab samples. They will also be using the portable deposit samplers to see if they can find where the spikes are coming from. He will meet with anyone after the meeting to discuss how they will be doing these. He believes that the Chapter 94 Report is complete and will be ready for review.

Mr. Pachulo questioned if we should talk about Octagon Avenue (Tradition's project) and what was decided on after the Planning Commission. Mr. Hart stated that as the meeting was going on it was discussed about paving the alleys and not having the straight through. He came up with an idea instead of dead ending Octagon with the hopes of buying the property; Traditions will already be paving up to that point. Coming off of Kirkwood, they will be paving that as well – which will be almost 2/3 of the alley. He thought about extending Octagon; just make the bend, and bringing it out to Kirkwood. Then make it all a public street. Do away with the alley and make it all a public street. A discussion ensued. Mr. Eisenbrown along with Mr. Hart showed Council the map. Council thought it was a good idea as well. The Borough will maintain the street. Mr. Butkus questioned how much roadway are we incurring? Mr. Hart stated about 1,000 to 1,200 feet. Mr. Eisenbrown stated it will be covered under Liquid Fuels money. If this happens we will not need to take any property. Curbing will be put in by them. The Mayor questioned both sides. They will ask for that but it might only be one (1) side. Mr. Eisenbrown stated that the Fire Marshal will need to look at this as well. Mr. Hart stated he has looked at it and he likes it as well. Mr. Zerr made a motion that the engineer and Public Works Director are directed to request Traditions to extend Octagon Avenue as it appeared on the Preliminary Plan to connect to Kirkwood Avenue

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at its expense and to Borough street specifications with the Borough's intent being to accept dedication of Octagon upon those conditions being met; seconded by Mr. Light. AYES – 6, NAYS – 0; motion carried.

Mr. Hart stated that he has about 95% of the fee schedule complete. He should have it before Council for the April 16th meeting.

Mr. Hart would also like Council's approval to advertise for the paving project. He wanted to advertise on the 1st and 6th of April and have the bids open on May 1st. Mr. Light made a motion to authorize for the bidding of the paving project; seconded by Mr. Schmidt. AYES – 6, NAYS – 0; motion carried.

Chief Oxenreider requested Council to allow him to purchase two (2) new hand held radios for the department. There are several radios that are in disrepair. The cost is about \$805.00 a piece. Mr. Butkus made a motion to purchase two (2) hand held radios at a cost not to exceed \$2,000.00; seconded by Mrs. Kutz. AYES – 6, NAYS – 0; motion carried.

Mr. Eisenbrown stated that they are beginning some remedial work getting ready for dedication at Brookfield. They probably will soon begin requesting a meeting. They would like to have us take dedication of the streets. Mr. Eisenbrown stated we would need to take dedication of the roads before September so we can get them on our books so we can receive Liquid Fuel money for them. Mr. Fitzpatrick stated we have money and/or a letter of credit for Reedy Road and Cacoosing Avenue to which Mr. Eisenbrown stated yes. Mr. Fitzpatrick questioned when do we sit down and make that evaluation. Mr. Eisenbrown stated soon as well. Mr. Fitzpatrick questioned where we stand in houses being sold. Mr. Eisenbrown thought three (3) homes need to be completed. Mr. Hart said one (1) lot has not been sold as of yet.

EXECUTIVE SESSION:

Mr. Zerr requested an executive session at 8:20 p.m. for personnel reasons.

RECONVENE:

Council reconvened at 8:26 p.m.

Mr. Zerr made a motion to rehire Mr. Dennis Moyer as a probationary police officer beginning April 1, 2008 as per the contract upon the letter from the Solicitor stating he understands his benefits; seconded by Mr. Butkus. AYES – 6, NAYS – 0, motion carried.

ADJOURNMENT:

Mrs. Kutz made a motion to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Regina M. Shade
Borough Secretary/Treasurer