

The regular monthly meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, May 1, 2008 at 7:00 p.m., at the Sinking Spring Borough Hall by President Stewart Wenrich. Mr. Wenrich requested a moment of silence for our armed services. 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 (arrived 7:05 p.m.)
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, and Regina Shade, Borough Secretary/Treasurer, who recorded the minutes of the proceedings.

APPROVAL OF MINUTES:

Mrs. Kutz made a motion to accept the meeting minutes from the April 16, 2008; seconded by Mr. Light. AYES – 6, NAYS – 0, ARRIVED LATE – 1 (Mr. Schmidt); motion carried.

BID OPENING – ASHLEY ROAD:

Peter Eisenbrown opened the bids for the project:

Burkholder Paving.....	\$103,075.00
Grace Industries.....	\$136,630.00
Windsor Service.....	\$133,238.00
E.J. B. Paving.....	\$117,650.00

Mr. Light made the motion to award the contract to Burkholder Paving at a cost of \$103,075.00 pending review by the engineer and solicitor; seconded by Mrs. Kutz. Mr. Wenrich asked for a roll call vote. AYES 7, NAYS – 0; Motion carried.

VISITORS:

There were no visitors at this time.

COMMUNICATIONS:

Mrs. Shade read a letter from St. John's Lutheran Church in regards to the Holiday Decorations at Memorial Park. The Church has received some complaints about the Santa Claus and reindeer. These complaints feel the Church is commercializing the Christmas Season and would like them to remove these decorations and add a more religious type scene. After a brief

COMMUNICATIONS:

discussion it was decided that this should be turned over to our Recreation Board for their review. A letter will be sent to the Church by the Borough Secretary explaining this matter will be reviewed by our Recreation Board.

APPROVAL OF THE BILLS:

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

REVITALIZATION PROJECT:

Mr. James Pachuillo, Chairman of the Revitalization Project was unable to attend. Mrs. Shade stated the conceptual map was submitted to the Borough Planning Commission along with the Berks County Planning Commission. They, along with the individual committees, continue to meet.

MILLER ENVIRONMENTAL:

Mr. Peter Juzyk gave the monthly report. There was no violation in the March monthly DMR report. One (1) fourth quarter 2007 commercial monitoring bill remains unpaid; this is the Hess bill. Two (2) first quarter 2008 commercial monitoring bills remain unpaid. They are McDonalds and Wawa. Mr. Juzyk is working with Mrs. Shade and he is making headway. Mr. Butkus questioned if they aren't paying aren't they in violation of their Industrial User Permit. Mr. Fitzpatrick stated they are in violation of the Sewer Use Ordinance. We can certainly go after them he said. The all weather composite sampler has been ordered. Mr. Juzyk sent out requests for quotations for the air compressor and associated accessories. He received one (1) response from Granger in the amount of \$822.77. There were two (2) service calls for the month both at the same location. They flushed and televised about a ½ mile of the sanitary sewer line. They continued the split influent sampling. The wastewater data for the month was – total monthly flow – 21,288,000 gallons, average daily flow – 710,000 gallons, minimum daily flow – 583,000 gallons, and maximum daily flow – 866,000 gallons. Total precipitation was 5.5 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) – 71.5%; Lower Heidelberg – 19.4%; and South Heidelberg – 9.1%. All of the influent data is under our current design. Mr. Juzyk stated in addition to his report Mr. James Hopkins has sent a letter in regards to the proposed change order for the new pump station located on Mt. Home Road. The cost would be an additional \$726.00 a month. There would be no additional cost for labor. The cost would be for power and telephone plus fuel for the generator, oil and grease control and semiannual equipment maintenance that is recommended. They could do this by amendment or there is an option to transfer the current contract to the Authority. Another item that was mentioned is the fact that Miller Environmental can provide other services like administrative, management in addition to the operating staff. They can also manage existing Borough employees. They wanted it noted that the current agreement ends December 31, 2008. The contract will automatically renew as of July 4, 2008; 180 days from the date of the contract. Mr. Fitzpatrick questioned if this is how we do it now. Mr. Juzyk stated it is covered in the contract but he believes there is an annual increase

MILLER ENVIRONMENTAL(cont'd):

of 5% per year built in. It will renew for a three (3) year period. Mr. Wenrich questioned if they needed an agreement right now or could it wait till next month. Mr. Juzyk stated they could wait till next month. Mr. Schlott stated the properties are not attached as of yet. Mr. Juzyk stated that Miller would be happy to meet with Council, the Authority or perhaps a joint meeting between the Borough and the Authority to discuss these other matters. Ms. Sloan questioned what percentage of our capacity is the 21,288,000 gallons. Mr. Juzyk stated it is about 66%. Mr. Wenrich polled Council on how they feel about this. Mr. Wenrich stated our Solicitor said it would take about two (2) months to make them an operating authority once we give them the green light. Mr. Fitzpatrick stated that was an estimate. Mr. Butkus made the suggestion the sewer committee members (as many as possible) attend the Authority meeting, and get the Authority's feeling on this one (1) way or another. Mr. Wenrich asked Mr. Butkus if he got any feedback from the Authority. Mr. Butkus said the Authority as a whole has not met yet. He said the several members of the Authority he had contact with informally seem to have no problem with it. He has heard no negative feedback. Mr. Fitzpatrick stated we probably will need to know by the June meeting. Mr. Butkus stated at least we will want to know if we should renew the contract. If the Authority can't, we might be able to have a clause inserted or have an addendum to the contract that it could be terminated by either party giving 180 days notice. That way the Authority could get out of it if they so desire. Mr. Butkus stated he does not believe anyone has any idea of discontinuing Miller's services. Mr. Wenrich stated we will try to get Miller the information they need as soon as possible. They thanked us for the good working conditions and hope to continue. The next Authority meeting will be May 13, 2008 at 7:00 p.m. here at the Borough Hall.

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Mr. Patrick Konopelski read a letter which he handed to Mr. Wenrich. The letter is attached to the minutes. After the letter was read Mr. Wenrich asked Council if anyone had any comments they wish to share. Mr. Butkus questioned it says "48 hour window", does that mean "Jingle Bell Fest" which runs from early December through January, would require 15 permits. Mr. Fitzpatrick was not sure what he was referring to, he thought it was per event. Mrs. Shade got a copy of the actual Ordinance. Mr. Konopelski stated it did say unless the application specifically requests and if the permit allows the extension of that period. That was per event and this Council has never limited you to two (2) days, Mr. Fitzpatrick said. Mr. Fitzpatrick stated to Mr. Konopelski that he did not pay the bill for the prior year; he did pay for the two (2) years before that. The costs last year were incurred by the Borough, Mr. Fitzpatrick said. "In your speech, you stated you did not want the Borough to incur any costs", Mr. Fitzpatrick stated however they did and you are not paying for it. Mr. Fitzpatrick wanted to know what he wanted us to do about it. Mr. Konopelski said that cost was created by the Borough not by his organization. Mr. Fitzpatrick said that we didn't have to deal with traffic that the event created, the noise...didn't we get a street sweeper out one (1) year because of the mud you generated. This was caused by people coming to your event, Mr. Fitzpatrick said. Mr. Konopelski said that his attorney instructed him that when a Borough decides to hire a police officer without any conversation with the private citizen, it is their decision to hire that police officer and to pay that police officer. Mr. Fitzpatrick said so we bear the cost so don't include in your speech that you don't want us to bear the cost. Mr. Konopelski said he doesn't want the Borough to bear the cost; he doesn't want the cost to exist. He feels we didn't

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need the officer. Mr. Wenrich stated if you have a couple hundred people maybe up to 1,000 come in through our Borough, disturb our residents on those streets, (he agrees that the problem wasn't on his property but was created by his event) we are obligated to provide protection and follow up for our citizens that pay tax dollars, who own properties up there. Are you telling us we aren't supposed to do that, Mr. Wenrich asked? Mr. Konopelski said no they aren't. Mr. Wenrich said then you are "double standard" because we staff accordingly. He asked the Police Chief if that was correct; to which the answer was yes. Chief Oxenreider stated we have an extra police officer out patrolling the streets to control traffic. We also are responsible for criminal mischief calls inside the park, crash/accident calls inside in the park beside the nuisance calls of littering on properties, urinating on people's lawns those types of things outside the park. Mr. Wenrich stated we are not anti business. Mr. Konopelski's attorney asked do we do this for any other event. Mr. Zerr said we have different Ordinances that people must follow. We have the new haz mat Ordinance. Mrs. Kutz said in addition, we have the block party Ordinance as well. They both generate fees. Mr. Zerr read a letter/petition signed by many residents down in that area. The letter started that there are a number of problems caused by allowing these types events in a residential area. The problems are trash, parking, traffic, noise up to 11:00 p.m. or after, morning after the first night of the Apple Dumpling Festival, this person walked one (1) block and filled a medium sized trash bag with trash and half eaten, and ant covered apple dumplings. In addition, there were various food cups and wrappers in the streets and on the lawn. The rest of the trash was left to blow around the neighbor for the next few days. This resident did not feel it was his responsibility or job to walk around and pick up the trash. He feels the people who run the carnival should hire people to walk around and cleanup the morning after the event. It is unsanitary to those that live in the area, the children and their pets. He witnessed teens stuffing plates and cups into the stormsewer possibly costing hefty repair problems in the future. This person feels that the carnival should only be allowed to be held if there is adequate parking on the carnival grounds. No parking should be allowed anywhere else. There are plenty of open fields behind Willow Glen Park for additional parking – why aren't they used for parking. He continued that perhaps the rides could be placed back there and then use the entrance for parking. Shearer's Grove would be a perfect place for this event. Then their neighborhood would be saved all this mess. He feels this should not be allowed in a residential neighborhood. Since most of the parking is allowed in the neighborhoods these are some of the problems they incur; blocked driveways and walkways, driveways will be left unblocked however when you back out there is not enough room to turn left or right as cars are parked right up to the driveways. Parking should only be allowed on one side. Allowing parking on both sides makes these roads only one (1) way as only one (1) car can fit up or down the road at any given time. If parking was not allowed on the streets then yards and lawns would not be depositories for trash. Noise after 10:00 p.m. should not be allowed. Monday night the rides are still going at 11:00 p.m. or later. He asked everyone to take a moment and think if they would like to put up with this nonsense during the summer. This person felt the Borough of Sinking Spring must put a stop to these types of events. This person continued Shocktoberfest and Jingle Bell Fest due not create these types of problems however they are still a nuisances. His attorney stated the Ordinance states that over the weekend the time is still 11:00 p.m. so the person complaining is still going to need to deal with the noise. As far blocking roads, parking on both sides of streets those types of things, if they are not allowed by the Borough and the police officer then can cite them for breaking the law. He continued that is not Mr. Konopelski's fault. Mr. Butkus stated that Mr. Konopelski's

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business brought that additional traffic into the neighborhood. His attorney does not dispute this. Mr. Butkus said that we need to take an officer that is patrolling the entire area and have him down there to write citations while the rest of the Borough is left go or we need to bring in an additional officer to put down there leaving the original officer to patrol the rest of the Borough. The attorney agrees that traffic is an issue; he was not arguing about traffic. He was talking about parking. If parking is allowed on both sides of the street a resident can complain but it is allowed. Unless it is a one way street or signs posted, people are allowed to park there. Mr. Zerr stated to him, "then what you are saying, your event does not have a direct effect or cost the Borough anything." The attorney stated, he did not say that at all. Mr. Zerr said that is not what your letter states. Mr. Konopelski said that he would like to work with the Borough in planning an efficient event. If there is an expense, if trash is a problem, then they need to hire someone to handle the trash. His attorney said that we did make valid points. He continued as of right now we have a \$2,000.00 fee. There is no justification for the fee. Mr. Zerr stated there is justification. There is justification for our Borough crew to put signs up to limit parking in certain areas. There is the cost of the street sweeper to clean the streets from trash and debris left behind. There is cost of the street sweeper and crew to go out and pull things out of the stormsewers if things get placed in there. There is the cost of a police officer for criminal mischief, and safety issues out on the street. They understood his point. Mr. Zerr said then how can you say you don't have a direct effect on costs of the Borough. Why should Borough residents who pay taxes have to pay extra because of your events? Mr. Konopelski's attorney wanted to see an itemized list of what would cost \$2,000.00. Mr. Zerr pointed to a bill and said here is \$1,000 in just police costs. The attorney said where is the other \$1,000.00. Mr. Zerr said if we need to call out the street crew and the sweeper. The attorney understood this. Mr. Zerr stated the Safety Committee sat and debated this long and hard. The Committee got the estimated costs of everything. Ms. Sloan stated if you were looking at really working with the Borough then not paying last year's bill was not a good business decision. Our costs for last year were well over \$800.00 so either you want to work with us or you don't. It does not show good faith on your part. Mr. Konopelski said the Township mandates that he handle security, EMT, and fire. He is under orders by them to handle certain things. He continued that the Borough took it upon themselves to schedule a police officer to come on private property. His attorney said you can do that however you can't hire a police officer and expect a private citizen to pay for that expense. Mr. Konopelski thought he showed good faith by paying the bill the first year and sending a letter explaining his position, the second year as well. Mr. Zerr questioned him, how much of the event is in the Borough. Mr. Konopelski stated that the bulk of the event is in the Township. Mr. Zerr stated he has facts that this is not true. He said that 60% of the Apple Dumpling Festival is in the Borough and 40% is in the Township. Mr. Zerr stated we are not trying to put a hard burden on him; we are trying to make it easier on our Borough residents and tax payers. We put in the Ordinance, and the only thing difference between this Ordinance and the Township's is charging a fee and the time of operation. The reason this was done was due to the complaints. We are not trying to discourage you from having the event; we are not trying to force you out of business; all we are trying to do is cover our costs, Mr. Zerr stated. He continued, we have had these complaints for years and we have done nothing except put the burden back on the taxpayers of Sinking Spring. Mr. Konopelski stated to the Chief, that he only knew of one (1) call to him throughout the Apple Dumpling Festival, Shocktoberfest, and Jingle Bell Fest for the past year and that was by one (1) of his employees. Chief Oxenreider said that was not true. They had

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several calls for accidents; the Chief himself stated he has arrested several people for fighting in the parking lot area. They have vehicle calls; they have received criminal mischief calls. Mr. Konopelski questioned if they were all connected to his events. The Chief responded yes. Mr. Konopelski then asked if they were on his property. The Chief again responded yes. Mr. Konopelski stated that the bowling alley is in the Borough. The Chief said yes. Mr. Konopelski said they have groups of 500 people, do they need to pay additional charges. Chief Oxenreider stated we cover the parking lot and Spring Township covers the inside. Mr. Konopelski questioned if they must pay \$2,000.00 when they have a large group there. Mr. Fitzpatrick stated this Ordinance just went into effect. Mr. Konopelski questioned if that was our intent to charge them. Someone said yes, it will be. Mr. Konopelski said the way the Ordinance is written 500 people gathering for a church, school, or family event does not have to pay for this. He feels we are targeting him. His attorney stated they were not saying that the Borough does not have the right to create such an Ordinance however he said there must be a rational basis for it. He continued if you look at what constitutes a public gathering, you except out religious purposes, by public or private school or college, lawful picketing, governmental agencies, limited solely to employees or family members. Mr. Zerr stated this exact verbiage is in Spring Township's Ordinance. The attorney stated that we aren't talking about the Spring Township Ordinance. Mr. Zerr asked doesn't this Ordinance mirror Spring Township's Ordinance. The attorney stated he had not reviewed Spring Township's Ordinance. Mr. Zerr said this is exactly what Spring has with the exception we added the fees and times to help out our residents. The attorney again stated he sees no rational basis for this. He questioned why someone must be 21 to apply for a permit; age 18 is classified as an adult why can't they apply for a permit to have a mass gathering, the attorney questioned. Mr. Fitzpatrick questioned Mr. Konopelski if he was under the age of 21. The attorney stated it goes to the validity of the Ordinance. Mr. Wenrich asked if he could wrap this up; he feels we have discussed this quite at length. Our Safety Committee did a lot of research; the Ordinance was advertised. Now, after it was adopted, two (2) to three (3) weeks later now they want to voice an opinion. Mr. Schmidt stated in order to move this along he questioned when we said \$2,000.00 was this nonrefundable. The answer was yes. Mr. Schmidt asked Mr. Konopelski if we took out the word nonrefundable and any unused portion was returned to you would that please you. And for this year both sides sit down and actually figure out what it is costing each of us. Mr. Konopelski stated as he had said in his opening speech he welcomes sitting down with the Board or a committee of the Board to find out exactly where the expenses are and help cover them. He is in an awkward situation between Sinking Spring Borough and Spring Township. Spring makes him do certain things; the Borough makes him do certain things. Trying to keep everyone happy is a challenge. He hires security, EMT, and fire because of Spring's Ordinance. To duplicate these efforts is not efficient and is a challenge for him to continue his events. He tries to keep his expenses low so that he may continue to do business anything that can be accomplished to reach that goal will be appreciated. Mr. Schmidt stated he thought he did that by giving him this option. Mr. Konopelski wanted to get together and talk about this. Mr. Schmidt stated at this time we will move the word nonrefundable and give you back any unused monies. In addition, this year we will sit down at a table at the event and see actually what it is costing both sides. Mr. Konopelski wants to sit down prior to the event. Mr. Schmidt stated he is not sure we can do this prior but he is still willing to sit with him and look at the costs. Mr. Konopelski's attorney stated you said you had a printout of what it cost the Borough so why can't we sit down prior. Mr. Fitzpatrick stated that was last year's costs. We can judge it off last years. It is not fair to his client. Mr. Zerr said what happens if the costs go over the

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\$2,000 mark, then what? Mr. Konopelski stated the level of security he needs for the Apple Dumpling Festival for five (5) years as been acceptable and has cost him a certain level. Mr. Wenrich stated we aren't talking about what you are doing on your own property. Mr. Wenrich said we welcome business however the quality of life for the residents in that three (3) block area, how can you put a monetary value on that? Mr. Fitzpatrick stated we can't put a monetary value on that. We can put a monetary value on the out of pocket expenses the Borough has. We sent Mr. Konopelski a bill last year for about \$800. His attorney said but now all of a sudden it has become \$2,000.00. He continued whereas for Spring Township it costs nothing and you are to have the exact Ordinance. Mr. Zerr said if it was a residential area in Spring Township they would start charging you also. Mr. Wenrich stated that Spring Township has basically no costs up there. The attorney continued that they need to respond to calls up there. The answer was yes if they are called. Mr. Wenrich questioned who is taking care of cleaning up the streets; who is taking care of the housing that is across from your property. He continued who is answering the calls about the trash left there or people are prowling around, or break ins. The attorney again stated all they are looking for was justification for the costs. Mr. Zerr showed them a petition signed by 75 people citing five (5) issues. The attorney said it showed five (5) things but nothing about costs. Mr. Wenrich said we will give you an itemized list. Mr. Schmidt said that is what we were trying to get to. Mr. Zerr said what we don't use out of the \$2,000.00 we shall give back to you. Mr. Konopelski questioned the Chief if it was necessary to have a police officer on his property. Mr. Zerr stated we aren't talking about your property. We are talking about the area that is around your property for the residents of Sinking Spring. Mr. Wenrich stated we need to have an extra police officer to cover that area during the event. If that officer is down there, someone needs to be taking care of the south, north and eastern ends of the Borough. Mr. Konopelski stated that we did schedule a police officer for his property; he continued that they stood on his property for six (6) days. Chief Oxenreider said no, that was not true. Mr. Konopelski stated he saw the officer on his property. Mr. Light liked Mr. Schmidt's idea. Mr. Wenrich suggested Mr. Konopelski's attorney contact our solicitor and the money be held in escrow. Whatever money is not used is returned with an itemized statement justifying the cost. He hopes this is acceptable. Mr. Wenrich asked if anyone on Council wants to rescind the Ordinance. Mr. Butkus stated he feels we should modify it to include the nonrefundable verbiage. Mr. Konopelski's attorney questioned about the bond of indemnity. He wanted to know the basis. Mr. Fitzpatrick stated it is currently 8:15 if you wanted to have a discussion like this we should have had another meeting. He continued he could talk with him; however if they are not willing to consider the proposal Mr. Schmidt and Mr. Light suggested then there is no real reason to talk. We can just litigate it. If you want to litigate over \$800 then let's just do it because that is what we are talking about. Mr. Zerr clarified that was only the police portion. He continued this year's bill should be about \$946.28 plus whatever the public works portion will be. Mr. Wenrich went back and addressed the issue about the bond. He stated this goes for anyone who wants to hold a public gathering of 500 or more people. We want to make sure they have bondage. The attorney for Mr. Konopelski said it doesn't really. We have accepted 90% of the people out there and we required them to have general liability insurance. The Borough can't tell him he needs to have the insurance coverage as it is private property. Mr. Fitzpatrick stated he told us he has it anyway. The attorney said he knows that. Mr. Fitzpatrick questioned then why are we discussing this. Mr. Konopelski said he was okay with that. Mr. Wenrich again requested his attorney call our solicitor. He thanked Council.

COMMITTEE REPORTS:**POLICE DEPARTMENT – CHIEF JAMES OXENREIDER:**

Chief Oxenreider stated they had 200 calls for the month of April. They had 59 traffic citations, 7 parking tickets, and 5 warnings were issued.

PUBLIC SAFETY – JAMES ZERR:

Mr. Zerr stated the new fire truck is in service on a limited basis as all the equipment is not on it. KME Manufacturing requested of the Borough if they could display the truck at the Fire Expo at the Harrisburg Fire Show Arena from May 15th to May 19th. The ladder truck is back in service. The annual inspection for the ladder truck is coming up however no problems are anticipated. Ms. Sloan made the motion to allow the new fire truck to be taken up and put on display at no cost to us; seconded by Mr. Butkus. AYES – 7, NAYS – 0; motion carried. Mrs. Sloan questioned if an accident occurred who would be responsible. Mr. Zerr stated they would. The company will be out of service Saturday, May 3rd from 11:00 a.m. to 5:00 p.m. They have made arrangements and there will be an extra engine and ladder truck in case they are needed.

The next item was the Rt. 422 Corridor Plan approvals. This week we received the utility clearance plans for the project. Mr. Fitzpatrick reviewed them. They need to be signed and sent back to PENNDOT. Everything appears to be in order. Mr. Light made a motion to approve the utility clearance plan and have Mrs. Shade sign them on behalf of the Borough; seconded by Mr. Schmidt. Mr. Butkus questioned if this was just for traffic upgrades. Mr. Zerr said yes. Mr. Butkus asked if the traffic box ever arrived. The answer was no; however once the project begins we will have one (1). AYES – 7, NAYS – 0; motion carried.

The fee schedule for the haz mat Ordinance was next. Mr. Fitzpatrick has put together a Resolution which incorporates the fee schedule. He explained the Resolution. It identifies materials used in a haz mat cleanup and each our given a monetary amount. Mr. Schmidt made the motion to pass the Resolution establishing the haz mat fee schedule; seconded by Mrs. Kutz. AYES – 7, NAYS – 0; motion carried.

LIBRARY – LAWRENCE SCHMIDT:

He had nothing to report.

PARK AND RECREATION – BARBARA KUTZ:

Mrs. Kutz had nothing at this time.

STREETS, UTILITIES, AND BUILDINGS – BRUCE LIGHT:

Mr. Light questioned Mr. Hart about his pole building and a plan he wanted to present. Mr. Hart stated he will draw up a sketch and present it to Council at the next meeting. He has two (2)

STREETS, UTILITIES, AND BUILDINGS – BRUCE LIGHT (cont:d):

ideas. Ashley paving will begin in August or September due to the water line going in, Mr. Eisenbrown stated. They must be complete by October. The fire hydrant is going in.

MAYOR – CLARENCE NOECKER:

Mayor Noecker stated he received notice of the upcoming contract negotiations. They wanted to have Chief Oxenreider as their negotiator however the Mayor informed the Chief he can't be part of the bargaining as Chief. Mr. Wenrich stated we are going to have to form a negotiating committee comprised of there (3) members of Council. He was looking for volunteers. Mr. Light, Ms. Sloan, and Mr. Zerr will be the team. Mr. Wenrich will be the alternate. The Mayor will be there also.

COUNCIL PRESIDENT – STEWART WENRICH:

Mr. Wenrich asked Council about some dates. He is recommending no workshop in May due to the Memorial Day Holiday. No objections were heard from Council; no workshop will be held in May.

Our July meeting would actually be the July 3rd. We could postpone our meeting to the 16th of July like we had done prior and have no workshop. Mr. Zerr feels there is a long time between the June Council meeting and the July meeting. He wondered if we could take the June workshop and make that the July Council meeting. Mr. Wenrich feels we could do that. Mr. Fitzpatrick stated we need to meet once a month. A brief discussion ensued. It was decided to go with our regular Council meeting in June, a workshop meeting if needed, and then the July regular meeting will be on the 16th and no workshop meeting in July.

BOROUGH SOLICITOR – CHARLES FITZPATRICK:

He had no report.

BOROUGH SECRETARY/TREASUERER – REGINA SHADE:

Mrs. Shade informed Council that we are currently working on scanning an uploading our Ordinance and Resolutions. After this is all complete we are hoping to upload them to our website for the public to look at.

ADMINISTRATION AND FINANCE – ELIZABETH SLOAN:

Ms. Sloan hand nothing at this time.

SEWER AND SANITATION COMMITTEE – GEORGE BUTKUS:

Mr. Butkus is looking into the two (2) different labs and why their results are different. He then turned the floor over to the Mr. Schlott, the Borough Sewer Engineer.

SEWER ENGINEER – DAVID SCHLOTT:

Mr. Schlott said everyone received a copy of the CAP (corrective action plan) for the plant. This is basically what will go to DEP explaining what will be done regarding the projected overload. He explained by adding the additional clarifier we will increase our capacity from 1MGD to 1.25 MGDs a day and increase the organic capacity from 2,000 pounds of BOD per day to 2,500 pounds of BOD per day. He continued with his report. They continue to look for points of inflow and infiltration by televising the lines. This has been going on for years. In addition, they are preparing reports for DEP on a regular basis. This report will go along with the Chapter 94 Report. Mr. Butkus made a motion to submit the Corrective Action Plan along with the Chapter 94 Report to the DEP; seconded by Mr. Light. AYES – 7, NAYS – 0; motion carried.

They are still looking for the return of the surveys for the Chinese restaurant along with Dunkin Donuts. They will coordinate with Miller and the Solicitor in moving forward with this.

PUBLIC WORKS DIRECTOR – MICHAEL HART:

Mr. Hart had nothing to report.

BOROUGH ENGINEER – PETER EISENBROWN:

Mr. Eisenbrown had nothing new to report.

UNFINISHED BUSINESS:

The flu clinic is listed for Wednesday, October 15th from 11:00 a.m. to 3:00 p.m. here at the Borough Hall.

The next item was the Tradition's waiver. Mr. Anthony Maras and Mr. Scott Miller addressed Council. They handed out a list of waivers. These waivers were not included in the original plan. The reason the plan as gone through a change suggested by our Public Works Director, Mike Hart on behalf of Council. Mr. Maras stated that Octagon Avenue ended around here and Kirkwood ended over here (he was showing them on the map). The plan was to acquire some property to get better access for through roads for the revitalization plan. Mr. Hart suggest to Mr. Miller about connecting Octagon Avenue to Kirkwood Avenue which would eliminate the need to condemn the property. He explained it by showing the map. Ms. Sloan questioned whether the road behind the homes on Cacossing would be upgraded to road quality. Mr. Fitzpatrick stated no they were alleys. He explained how the roads would be connected. Our Ordinance requires sidewalks be on both side of the streets. That is one of the waivers they are looking for. Another waiver is street trees. Our current Ordinance states that street trees must be planted. They are not saying that those trees won't be planted but they would like to locate these trees to other areas on the site. He explained why they feel they should move them. The last issue has to do with cart way width. If they were designing this to Borough standards, they would need to have the cart way width of 34 feet and the right of way width be 54 feet. They are asking for a 50 foot right of way and a 28 foot cart way. They don't need parking, there are no residents there. Mr. Miller stated that when they did the original plan they had done it to Borough's standards however the Planning Commission made the recommendations to bring it down to 50 and 28 as it ties in to Kirkwood now

UNFINISHED BUSINESS (cont'd):

and to Octagon which is opposite. The road still meets all other Borough standards. Mr. Wenrich asked Mr. Zerr if this would be a problem with the ladder truck to which Mr. Zerr stated it will not. There will be no parking on that street so it will actually make it better. They will be posting no parking signs, Mr. Eisenbrown stated. An Ordinance needs to be created and put in place. A brief discussion ensued regarding traffic in that area. Ms. Sloan questioned some items on the plan. The first thing she questioned was the existing trees and the proposed trees. They explained to her what each of the symbols met (whether they were existing or proposed trees). She questioned what types of trees will be planted to softened the tall building on Broad Street. Mr. Eisenbrown believes they are eight (8) foot evergreens which is what the ARD require. There will be a mix of different types of trees. At this point we can work out what types of trees we put in there. Mr. Butkus asked if we have a specific number of trees that we are talking about in waiver number three (3). Mr. Miller said roughly fourteen (14) to fifteen (15) trees. Ms. Sloan asked what percentage of the trees will be preserved. Mr. Miller said they are hoping to save as many trees on the land as possible. He continued that our engineer proposed that we eliminate sidewalk on the one side of Reedy Road to preserve more of the trees. There is sidewalk on the other side. He would like to change waiver three (3) to say fifteen (15) trees that would have been along Octagon will be added to the landscaping plan but that it be no more than that. If Council once seeing the plan feels fourteen (14) would be better that would be fine. Ms. Sloan feels that is fair. Mr. Butkus made the motion to grant the waivers with the amendments; seconded by Mrs. Kutz. Mr. Fitzpatrick requested that Mr. Maras send him the amendment regarding the trees to which Mr. Maras said he would. Mr. Wenrich asked for a roll call vote. AYES – 7, NAYS – 0; motion carried. Mr. Miller wanted to make sure that Council will approve of the extension of the right a way back to the property line so they can finalize the entire annexation plan. They then can start working with the” joiners” so they can get the legal transfers complete. Mr. Butkus questioned who would be in charge of the yard maintenance. Mr. Fitzpatrick said we would; it will be dedicated to us. It is a little less than a half an acre. Ms. Sloan questioned if there will be sidewalk around the property so that people can walk around it. Mr. Maras said to the extent that there is sidewalk the people will be able to walk around the property. They should use sidewalk though. The internal aspects of the site are private property. While there will be no guard dogs out but the owners will not be inviting or encouraging others to walk inside the site. Mr. Fitzpatrick stated that Octagon Avenue is a public street anyone can walk on that street. Mr. Miller said that is something the Public Works Department wanted. Mr. Zerr made a motion to recommend they revise the plan to include the annexation; seconded by Mr. Light. Mr. Eisenbrown stated we are just getting a wider right of way then fifty (50) feet. A brief discussion ensued as everyone looked at the map. Ms. Sloan questioned if it was gated. The answer was no. There is fence around some of the area but it is not enclosed fence. Ms. Sloan questioned if benches were included in the plan. The internal trail will be whatever the client once. There will be none on the exterior unless the Borough will put them in. Someone questioned what type fence to which split rail was answered. Mr. Wenrich asked for a vote. AYES – 7, NAYS – 0; motion carried.

PUBLIC COMMENT:

No Public Comment

TREASURER’S REPORT:

General Account

Opening Balance – April 30, 2008		\$	154,955.73
PLGIT			8,879.79
Invest	Recreation		48,516.02
	General Invest		51,188.63
	To Be Paid	\$	<u>21,294.76</u>
		\$	242,245.41

Sewer Account

Opening Balance – April 30, 2008		\$	75,980.54
PLGIT			59,799.75
Invest	Sewer Revenue		438,427.95
	To Be Paid	\$	<u>13,037.99</u>
		\$	561,170.25

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

MRS. BARBARA KUTAZ:

Mrs. Kutz did have one (1) item she wanted to bring up. She believes that there still are people hanging out in our office. She questioned why this is not being enforced. Mrs. Kutz stated she calls first before just stopping in. Mr. Light said that is not what was said. He said that people are not allowed to hang out in the secretary areas. Mr. Light asked Mrs. Shade if he hangs out in the office. Mrs. Shade stated she works for all of Council and that is an awkward position to be placed in. Mr. Light feels he is allowed to be in the hall; he doesn’t bother anyone. A brief discussion ensued. Mr. Wenrich said as what was stated before everyone on Council as the right to come in and gather information however they must use the lunchroom or the Council room. He does not want “loitering” around the office areas. He wanted Mrs. Shade and her staff to function properly and he is asking Council again to honor that request. Mr. Light stated “I have.” Mrs. Kutz stated it was not directed at anyone personally. Ms. Sloan questioned other than coming to pick up their mail, they must use the Council room or the lunchroom. Ms. Sloan stated if there are any more problems, she would like to be contacted as head of admin and she will discuss it with Mr. Wenrich.

Mr. Zerr questioned if the Mass Gathering Ordinance stands as is. Mr. Fitzpatrick said yes. We did not authorize any amendments. Ms. Sloan felt that Mr. Schmidt made a good offer to him. A brief discussion ensued as to what was paid in the past.

ADJOURNMENT:

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Regina M. Shade, Borough Secretary/Treasurer