

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, June 3, 2010 at 7:00 p.m. at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Debra Bohn called the roll reflecting the following Council Members present:

Stewart Wenrich  
Edward Oswald  
George Butkus  
Elizabeth Sloan (absent)  
Dennis Leiby  
James Pachuillo  
Denise Stine

Other officials present were: Mayor Francis Butkus, Keith Mooney, Borough Solicitor, Robert Ludgate, Sr., Ludgate Engineering, David Schlott, Jr., ARRO Consulting, Michael Hart, Public Works Director, Police Chief, James Oxenreider, and Debra Bohn, who recorded the minutes of the proceeding.

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

#### **COUNCIL PRESIDENT WENRICH:**

Mr. Wenrich welcomed Mr. Leiby back. Mr. Wenrich stated the communication between Council and the Borough Secretary is very poor. Mr. Wenrich said if you are not going to be able to make a Borough meeting, or an event or whatever, please let the Borough Secretary know. If you can't get in touch with the office then please let a fellow Councilperson know. There was a workshop meeting scheduled for last week and we basically had no response on who would be attending. Mr. Mooney felt to have one person or two people come out and there be no quorum; it doesn't make any sense in bringing out the engineers, the sewer departments, as well as the Solicitor. He again asked Council as their President to stay in contact with the Borough Secretary or the staff.

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

Mr. Wenrich was looking for a motion for the meeting minutes from May 6, 2010. Mr. Pachuillo stated he didn't receive them. Mrs. Stine said she received them but she couldn't open them. Mr. Wenrich said we can table this item till the following month. Mr. Wenrich requested Mrs. Bohn to have Mrs. Shade resend the minutes. Mr. Wenrich said he can sometimes open them and sometimes he can't. Mr. Oswald stated perhaps we should come up with a preferred method of communications and stick to it. If you want your meeting minutes on paper you can get them on paper. If you want a phone call, you get a phone call. Mr. Oswald said he thought everyone wanted info through e-mail but apparently that isn't the way anymore. Mr. Oswald knows e-mails are fine for him but he isn't sure if that is the pleasure of everyone. Mr. Butkus passed out a sheet of paper for Council to fill out with what phone number and e-mail address the office should use. Mr. Wenrich wanted all Council's information updated. The approval of the minutes was tabled until the July meeting. Mr. Brian Fry stated Mr. Wenrich just asked for approval of minutes that later

**APPROVAL OF MINUTES (cont'd):**

Mr. Wenrich admitted he hadn't even seen. He asked if that was true. Mr. Wenrich said they usually come out a week prior to which Mr. Fry stated he understood there was a problem with the e-mail. But he said he was calling for approval of minutes and yet Mr. Wenrich hadn't even seen them. Mr. Oswald said this is standard procedure. Mr. Mooney said he will field that question. Mr. Wenrich stated at times he can't open documents on his work computer and his home computer just crashed. He is somewhat out of the loop currently electronic wise however there are six (6) others that can vote on this issue. Mr. Mooney gave the "easy legal" explanation. Mr. Mooney explained that Mr. Wenrich's job is not to run the meeting at his whim. His job is to run the meeting so it stays organized however he in one (1) Councilman, one (1) vote. If the rest of Council has reviewed the minutes, the minutes are to be approved at the next earliest meeting after the minutes have been reviewed. If the other six (6) Council people had reviewed the minutes and were ready to vote, then they vote on it. He runs the meeting but he doesn't set the agenda to his whim. The agenda is the business of the Borough. Mrs. Bohn told Mr. Leiby that she has saved all his papers and will see that he gets them.

**VISITORS:**

The first visitor was Mr. Bruce Light. Mr. Light stated he was here to find out the status of Mr. Leiby. He wanted to know where he is establishing his residence. Mr. Leiby said his address is 727 Commerce Street and he is currently since he can't do steps while taking chemotherapy living with his daughter. Mr. Light understood that information however he was told that Mr. Leiby does not plan on going back to his residency. Mr. Leiby questioned how did he know that? Mr. Light said he heard that and that is why he wanted to know if that was true or not. Mr. Leiby questioned how Mr. Light could make a statement like that. Mr. Light said he wasn't making a statement that is what he heard. Mr. Leiby said he was born in Sinking Spring, lived here all his life, he will die here. Mr. Light stated that he didn't answer his question. Mr. Leiby said if he dies he will be back in Sinking Spring. Mr. Light said he is asking about his residence. Mr. Leiby said "where do I pay taxes?" Mr. Light said that has nothing to do with it. Mr. Light said you can own a home and rent it and not live there. He said you could live someplace else. Mr. Light was just questioning if he was planning on returning to his home. Mr. Leiby questioned Mr. Light that he must live in the Borough to serve on Borough Council. Mr. Light said yes. Mr. Butkus asked for a clarification. If Mr. Leiby is convalescing due to medical reasons how does that affect his residency? His residence is where he intends his permanent residence to be. Mr. Light said that is all he is asking to which Mr. Leiby stated you sure are digging. Mr. Leiby stated we never made a fuss over Mr. Light when he was in the hospital. Mr. Light said all you had to do was ask me, I would have told you where I was going to be living. Mr. Leiby said when Mr. Wenrich was off for five (5) months we never said a word on Council about him being missing; but not that I am off it's an issue. Mr. Light again asked Mr. Leiby if he will be living at the residence that he used when he ran for Council. Yes or no, Mr. Light asked. Mr. Leiby told Mr. Light he should ask God because he doesn't know if he will be able to do steps. Only God knows that answer. Mr. Butkus said he thinks the question is do you intend to (Mr. Leiby spoke over Mr. Butkus) and Mr. Leiby said absolutely. He is going to die here, he was born here. Mr. Light stated he wished Mr. Leiby good health but if in the future Mr. Light would like to be informed if and when Mr. Leiby returns to his residence. He thanked Council.

**VISITORS (cont'd):**

Mr. Holland and Mr. Zimmerman of VIST Insurance addressed Council next. Mr. Zimmerman stated currently the Borough is a client of VIST Insurance on the property/casualty and workman's comp side of the business. He is there for Council's consideration on the employee benefits side. A few weeks prior they met with Mrs. Regina Shade and she recommended we speak with Solicitor Mooney and requested a quick summary be given to Council of what they can provide the Borough. He passed a letter out that was given to Mrs. Shade. He explained that he and Mr. Holland are from the employee benefits side of things. This is everyone's nightmare these days. He explained that they will add and delete all employees from the health insurances. With a group this size it wouldn't matter who was giving you rates....the rates are the rates. There are no negotiations on rates for groups of less than 100 people. It boils down to who will give you the best service. They are full service. If the Borough has claim issues, they will need a signed HIPPA form, and they would then be able to resolve the problems. They provide third party COBRA administration. They have prepared some broker letters with no disrespect to our current broker. VIST has a lot to offer. Mr. Zimmerman has worked with Mrs. Stine at their sewer authority. Mr. Holland will be at Cumru Township the following day so they do a lot of work with municipalities. Mr. Zimmerman gave Mr. Wenrich the broker letters if Council so chooses to go with VIST. He explained what they are used for. A brief discussion ensued. Mr. Butkus questioned how many medical carriers they represent. Mr. Zimmerman stated all of the major carriers. Mr. Zimmerman stated now is the time we should change if we are going to change. The Health America coverage begins October 1, 2010 for next year. Those renewals are being worked on. Mr. Butkus asked how the fee is calculated. Mr. Zimmerman stated that there are no negotiations. The carriers pay them. You are paying the carrier the same amount whether you have a broker or not, Mr. Zimmerman said. Mr. Richard Holland addressed Council. He is the HR Consultant for VIST Insurance. He doesn't sell insurance or anything like that; he supplies human resources services to all of their clients. He works with Pottstown Borough, Kutztown Borough, Cumru Township, Albright College and other clients. He is currently helping their clients work through the new health care reform act. He explained there are changes coming. 2014 will be a big year for the changes. His job is to try and prevent trouble in the human resource area as opposed to defending it. It is a lot less expensive to prevent a problem then to defend it in court. He helps write handbooks, policies, forms; they developed a system for Pottstown Borough to appraise their employees. They had no system in place. They gave him a performance appraisal, a self assessment, a performance plan and also objection setting. They hired a consultant to come in at \$60,000 to tell them the problem is your employees have no accountability. He explained some other things they can provide. He thanked Council for their time as well. Mr. Oswald wanted to thank Mrs. Shade for looking into this. He knows that performance evaluations are something that past Council as well as some on this Council want to see happen. He is very much in favor of this. Mr. Butkus made a motion to transfer our insurance broker business to VIST and terminate both of our other insurance brokers which dealt with our health insurance; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1 (Ms. Sloan); motion carried. Someone spoke in the public however it was inaudible. Mayor Butkus wanted to thank Mrs. Stine for starting us in the process. Mrs. Stine stated they are wonderful to work with.

Mrs. Smith and Mrs. Peterson were there representing the Recreation Board. Mrs. Peterson thanked Council for walking in the parade with them. They are proposing August 14, 2010 at 4:00 at the Green Valley Country Club on the patio they refer to as "The Dive" for the employee picnic.

**VISITORS (cont'd):**

We will be able to use their pool however the employee will need to pay \$5.00. The meal and everything else will be taken care of. They stayed within the \$800.00 limit. More information will be forthcoming. Mr. Wenrich stated they can get together with Mrs. Shade to get the information out. The next item was the playground leaders. Currently, they were approved for five (5) people for the playground. They were looking at about 120 kids. Playground runs from June 21<sup>st</sup> through August 13<sup>th</sup> which is eight (8) weeks. They were hoping to break it into four (4) full time people and two (2) part time people. The four (4) full time employees would be Heather Kraft, Theresa Johnson (they would be head leaders), Ben Owens, and Lewis Shattock as the two (2) additional leaders. They were interviewed by the Board. They were good candidates. The two (2) part time leaders would be Paige Carroll, she is returning. As a part time she would rotate and work about 15 hours a week and cover vacations. The other candidate is Zachary Cameron. He would be part time about 25 hours a week. It ended up being about two (2) hours more a week with these two (2) people. She explained. It is not an extra person but we are getting two (2) people for the price of one (1). The regular playground usually has about 90 children and with Brookfield being added on, they are looking at a least 30. A brief discussion ensued. Mr. Pachuillo made a motion to approve the hiring of the leaders that the Rec Board recommends; seconded by Mrs. Stine. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mrs. Stine thanked them for the float. Heather Kraft and Theresa Johnson will be earning \$9.50 per hour as head leaders; Ben Owens and Lewis Shattock at \$7.55 per hour; Paige Carroll at \$8.25 per hour (part time) and Zachary Cameron, part time at \$7.55 per hour. Mr. Pachuillo made a motion to approve the above wages; seconded by Mrs. Stine. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Pachuillo stated if pictures are taken get them to Mrs. Shade so they can be posted on the website. Also, perhaps some can be placed on the Revitalization website as well. Mrs. Peterson was questioning where we were in regards to the pavilion. Mr. Hart is hoping the pavilion will be up by the 21<sup>st</sup> however the third party is still reviewing the plans. She was wondering if the roof wasn't up if those tent like things could be put up to help with shade. The only problem Mr. Hart would have would be securing it down so if a big wind gust came it didn't pull it down. Mrs. Smith said she thinks they would take it down every day. Mr. Wenrich asked Mr. Hart to see if he can get them moving on the plans. Mr. Hart said he thought the review was to take place the prior Friday but it has not as of yet. Part of the problem is they are reviewing the Alcon plans. Mr. Pachuillo is willing to help build if it is necessary along with some other neighbors. Mr. Hart said the building isn't the problem; it is just getting the okay so he can purchase the supplies. He doesn't want to order stuff and let it sit out and weather until the plans are approved. Mr. Butkus questioned if we could push off the opening of the tot lot for a week or so if we have to. Mr. Wenrich asked Mr. Hart if could pursue them a bit harder for their review. Mr. Hart said he is just really busy right now. Mrs. Peterson questioned if there will be picnic tables. Mr. Hart stated they built two (2) tables. They should be over there the upcoming week. Mr. Wenrich again said the parade attendance was great and he wanted them to pass that information out to their neighborhood.

The next visitor was Mr. Brian Fry. Mr. Fry stated he lives at 47 Mull Avenue. He submitted a letter to Borough Council seeking a seat on Council if one (1) should arise. Back in March he submitted a letter that he had read and he requested it become part of the permanent record. He went out on the Borough's website and it was not attached to the minutes. He was wondering why it wasn't there. He would like that looked into. Mr. Fry said one (1) of the

**VISITORS (cont'd):**

meetings a few months ago, Mr. Mooney said either he or his firm represents JDH Construction. Mr. Mooney said that was correct. Mr. Fry questioned how can that not be a conflict of interest? Mr. Mooney said it is a conflict of interest. Mr. Mooney said they did not represent the Borough during that project. Brumbach, Mancuso, and Fegley represented the Borough during the project and they represented JDH Capital. They did not represent both parties as they knew it was a conflict of interest. The Borough approved their representation of JDH and so the Borough was represented by another firm. Mr. Fry said okay that is why he asked; it was confusing to him. He said all that information was not put out there. He appreciated the explanation. He thanked Council.

**COMMUNICATIONS:**

There were no communications.

**APPROVAL OF BILLS:**

Mr. Butkus said we had a bill there for leaf hauling from Spring Township. He wanted Mr. Hart to explain. Mr. Hart stated that would be our cost for leaf disposal. Is this above the \$5.00 per head? Mr. Hart did not know. After a brief discussion it was realized this was for the hauling of the leafs during the fall and was not tied into the yard waste site. Mrs. Shade handled that. Mr. Butkus made a motion to pay the bills; seconded by Mrs. Stine. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

**WESTERN BERKS FIRE DEPARTMENT:**

There was no report.

**MILLER ENVIRONMENTAL:**

Mr. Peter Juzyk gave the report for May, 2010. The sanitary sewer flushing dropped off. There was a hose swivel on the sewer jet that started leaking water. A company was called; a part ordered; and it was actually repaired that day. They attempted to do some televising but it is hard to televise if you don't clean before you attempt the televising. They purchased hoses and sprinklers for the newly planted reed beds. The sprinklers that were recommended by Scott Davis of Constructed Wetlands began to fail after a few days. He purchased alternate sprinklers. They have also applied sludge as directed by Mr. Davis. At this time the reeds have grown to an approximate height of three (3) feet. They are doing quite well. Mr. Juzyk still had not received a response from the new owner of the Wonderful Chinese Restaurant regarding the transfer of the existing permit or application for a new permit. He has tried numerous times to make contact. They did sign for a certified letter. Mr. Hart said there is another owner coming into play there. It appears to be changing hands almost every other week. Mr. Hart hasn't seen anything formal but it appears that way. Mr. Wenrich asked Mr. Schlott what is the penalty if they don't return this to him. Mr. Schlott stated he would need to look at the Ordinance itself and see what it states in there. Mr. Wenrich requested Mr. Schlott get together with Mr. Mooney regarding this issue. Mr. Mooney explained what he needs. Mr. Butkus said when this happened before; Mr. Fitzpatrick stated we PA

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

could turn their water off as they are not in compliance with the Sewer Use Ordinance. A brief discussion ensued as to whether they have their own shutoff. Special Agent Robert Kelly of the Attorney General's Office came to the site on May 4, 2010 as part of an investigation of Lebanon Farms Disposal. He complied with his request for bio-solids information. He e-mailed the information to him. Mr. Oswald wanted to make it known to the residents that this has nothing to do with us. They are investigating Lebanon Farms Disposal not the Borough. It might not have anything to do with Lebanon Farms at all. They were following up on a complaint by a former employee of theirs. The waste sludge pump that had been ordered has been received. The company that was approved at last meeting has ordered additional hardware. They were hoping to do the installation that week but the parts still haven't arrived so they are looking at doing it perhaps next week. Earlier in the month they observed a sinkhole at the Mountain Home Road pump station. It appears to be growing. They did receive a PA One Call notification to mark the lines so he believes a company has been contacted to make the repairs. Mr. Oswald stated we need to make a motion to authorize the repairs because Council members were not responding. Only Mr. Oswald, Mr. Pachulo, and Mrs. Stine had agreed to move ahead with the repair. A brief discussion ensued as to where it is located. Mr. Leiby questioned why we couldn't do this our self. Mr. Hart said it is very close to pipes, PPL power lines, those types of things. Mr. Butkus said he is passing the insurance risk off to someone else. Mayor Butkus stated when that manhole was put in; there were two (2) springs in the bottom. One (1) was pretty good size, could that be adding to the problem. Mr. Hart said most definitely. Mr. Hart stated he notified Kuser and they came out and put cold patch in it. It was never really good from last time, Mr. Hart said. He would like them to dig down, find the throat and choke it off that way. Mr. Leiby questioned if we have the same runoffs from the other properties like we did. Mr. Hart said yes, but not as bad. The bigger pipe that was put in has made the situation a whole lot better, Mr. Hart said but they do still get a little bit. Mr. Butkus made a motion to ratify the emergency action of contacting a contractor and making the repairs; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Hart stated they were to start that day but they received an emergency call so he will be starting the next day. Mr. Butkus asked Mr. Mooney if we could use sewer funds for this to which Mr. Mooney said yes. Mr. Juzyk said about mid month, Mr. Butkus forward a note to him about missing vent caps at Dunkin Donuts. He contacted the facility manager to have the vent caps replaced however as of that day they are still open. They are vent caps at the end of his driveway leading out to Penn Avenue. He will follow up with a written letter giving him thirty (30) days to make the repairs. Mr. Butkus feels we should only give him fifteen (15). That is just increasing the I&I. Mr. Juzyk said ten (10) days from the date of the letter and he will send it certified. Mr. Butkus questioned how long did he think it would take to get the swivel repaired? Mr. Juzyk stated it was repaired that day.

**REVITALIZATION PROJECT:**

Mr. Ludgate said the committee is working. Right now we are waiting for the traffic impact study. The consultant was hired as directed by Council. His contract has been completed. The consultant has been in contact with PENNDOT but because of changes in PENNDOT personnel, they have not been able to schedule a so called scoping meeting. However, they are doing the work they can do. One (1) of those things is taking a look at things from an environmental hazard stand point. They had asked the consultant to evaluate the plan three (3) ways. They wanted to know if the traffic congestion will be alleviated by the plan; will there be any problems from an

**REVITALIZATION PROJECT (cont'd):**

environmental aspect; they are to provide a certified cost estimate of the proposed construction. This was a specific request of the County Commissioners. The BOSS 2020 committee has received tax exempt status and are beginning to take in some funds. This will allow them to make a tax deductible donation. The treasury, he believes, stands at \$1,500.00. Mr. Butkus questioned if this was State or Federal status to which, Mr. Ludgate said both.

**UNFINISHED BUSINESS:**

The first item on the agenda was the Ford Explorer bill. Mr. Pachuillo stated Mrs. Shade was going to try and call them did anything happen. Mayor Butkus said the Chief can enlighten them. Chief Oxenreider called Tom Masano to see if the bill was paid. The bill was paid. He asked them if they could lower the bill or do something to help us out a bit. The gentleman got back to the Chief last week and unfortunately there is nothing they can do about refunding money. However, they did agree to extend the warranty on the car for the life of the car as long as we own the car. Mr. Leiby would like to get that in writing. Also, Chief Oxenreider stated they are going to give us ten (10) free oil changes. Mr. Pachuillo appreciated what they are giving us. Mr. Pachuillo did know the bill was paid along with Mrs. Stine. Mr. Butkus made the motion to ratify the paying of the bill with the concessions that the Chief had stated; seconded by Mr. Pachuillo. AYES – 5, NAYS – 1 (Mr. Oswald), ABSENT – 1; motion carried.

The next item was 162 EDU's for Traditions. Mr. Mooney stated on May 7, 2010, Traditions made a request in writing to enter into a reservation agreement for 162 EDU's. We passed a sewer reservation ordinance where an entity could reserve capacity; pay an annual fee in order to keep that capacity reserved for a project. This just takes the capacity out of play for other developers. They will pay a yearly fee. They will pay for all of the capacity when they go to use it. Mr. Butkus made a motion to approve this request as we have the capacity; seconded by Mr. Leiby. AYE S- 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Mooney will finalize the draft agreement and send it off to Traditions. He should have it back for the next meeting.

The next item is the sewer billing issue with Lower Heidelberg Township. Mr. Mooney stated he sent them a revised agreement on May 15, 2010. He has heard nothing from their Solicitor. Mr. Mooney tried calling them again. Finally, Mr. Mooney sent a "threatening" e-mail to their Solicitor that morning. He did receive a response. He wanted three (3) small changes. Lower Heidelberg meets on the 21<sup>st</sup> of June and their Solicitor said this will be put to bed at that time and they will authorize payment and execution of the agreement. There is some recording information that needs to be put into the plan. Mr. Schlott can get the exhibit to them early next week. Mr. Butkus wanted to see the agreement with the changes in them in case they have some issue with it. Mr. Mooney stated the changes are minimal. One (1) of the changes they have asked for is if we negotiate rates which are better than we currently charge to other municipalities, that they would get the benefit of the better rates. This is the biggest change. Mr. Wenrich stated he believes that South Heidelberg is current. Mr. Schlott said South has paid for their sewer use in 2009. In fact, the reconciliation report shows they are due a credit. They were sent a revised bill to reflect that credit.

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

The appointment to the West Side Regional Emergency Management Board was next. Mr. Mooney stated that Mr. Leiby was the Borough's rep on that Board however no one knew how long his illness was going to last. Mr. Leiby stated he thought perhaps someone should get appointed to the Board as he stated it was tough getting around. Mr. Wenrich understood that. Mr. Oswald stated it is 8:00 a.m. Mr. Leiby said if it is on a day he isn't receiving chemotherapy he could make it. Mr. Pachuillo volunteered to help if needed. Mr. Butkus made the motion to appoint Mr. James Pachuillo as an additional representative to the West Side Regional Emergency Management Board; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

The flu clinic and flu shots for employees will be on October 13, 2010. The time is 11:00 a.m. till 2:00 p.m. here at the Borough Hall.

The Terrace Plan was next on agenda. The Planning Commission has made a recommendation to grant conditional approval of a revised preliminary plan. Their recommendation was there be three (3) letters of review. One (1) from Ludgate Engineering being a general recommendation letter dated May 25, 2010, number two (2) would be a letter regarding storm water issues from Ludgate, also dated May 25, 2010, and the last was a sanitary sewer letter from ARRO Engineering dated January 28, 2010. The plan is located behind Dairy Queen. Mr. Leiby questioned if they would have access to this by the church. The answer was no. The main access is through Wynnwood Avenue. Mr. Walsh from McCarthy Engineering explained how it would be laid out. A brief discussion ensued. The Church approached the developer and stated they would like to have better access for their members on a Sunday. He is constructing the rest of Summit for their access. Mr. Leiby stated the plan he saw in the 1980's did show that road. It does also help the police and fire departments as well, Mr. Walsh said. It is a public road. There is also an annexation plan because there needs to be a change of property with the Church. They will need action on that as well. There is also a six (6) waiver letter. The Planning Commission also authorized the waivers. Mr. Ludgate stated the waiver primarily had to do with Summit. Summit was proposed at 28 feet wide; the developer originally asked for 24 foot wide; the Planning Commission has asked them to use the 28 foot; they have agreed to do as a compromise. There were some waivers that had to do with gradient. Mr. Ludgate explained. Mr. Walsh explained about the vertical curve. Mr. Butkus said this would make it steeper then. Mr. Walsh said no. It is the site difference over the arc. It is the length of the curve. It is the vertical not the horizontal. Mr. Wenrich asked Mr. Schlott if he saw the plan. Mr. Schlott stated they did review the plan and there was a letter prepared with their findings. There are some issues regarding ownership and maintenance of some of the lines in the private right a ways and connections from Summit into the Cacoosing Creek interceptor. They outlined their comments in the letter that Mr. Ludgate stated above; approval would be contingent on satisfying those requirements. They did remove them. They are going to be tied into the manhole not the main. A brief discussion ensued. Mr. Pachuillo stated the Fire Marshal reviewed the plan and the hydraulics are fine for the fire hydrants. Mr. Ludgate said there might be a water pressure issue. They did have static pressure testing done. One (1) of the comments is approval from the water company. It is PA American Water Company is providing a letter stating there will be water supplied. The plans are contingent upon receiving this letter. Mr. Ludgate stated they need to see that the water lines are laid out as planned. There is concern about the pressure zone. Mr. Walsh stated PA American did come out and do two (2) tests.

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

The static test and a residual pressure test. He explained what they do for these tests. PA American is working on the issues. The residual flow rate was almost 1,200 gallons a minute. There is water up there, Mr. Walsh said. Mr. Leiby made a motion to approve the waivers; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Pachuillo made a motion to accept the preliminary plan with the above mentioned three (3) letters; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

The applicant has sent in a letter offering additional time on the annexation. The annexation is a companion plan. They don't need the annexation plan until they have the final plan. They are asking us to accept an extension of time while they are waiting for the main plan to get through the process. The extension goes to September 3, 2010. Mr. Butkus made the motion to accept the time extension; seconded by Mr. Leiby. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Butkus wanted the three (3) letters along with the request from the Planning Commission be forwarded to Council. Mr. Ludgate stated their office will handle this.

The next item was the Queen Street contract for materials only. Mr. Mooney stated he reviewed the contract documents and gave his concerns to Ludgate Engineering and to the best of his knowledge they were addressed. We are now ready to go out and receive quotes. Mr. Ludgate stated they have made contact with four (4) suppliers of just the poles. There is an issue where it could take 120 days for the poles to be delivered. Currently, there are some poles in stock. They would like to get those poles so we could meet JDH's schedule. They have solicited quotes from four (4) companies. They were told the quotes must be under \$10,000 or they could not be accepted. They have one (1) quote for \$9,999.00. The other three (3) parties have declined to quote. Mr. Leiby questioned what poles were they talking about. Mr. Mooney stated they are for lights at Queen Street. These are new signal poles. Mr. Leiby understood then. It is Ludgate's recommendation that Council could accept this quote subject to PENNDOT and solicitor approval of the documents. Mr. Butkus asked if we are going to be reimbursed by the developer for the traffic light. Mr. Mooney said we are using Liquid Fuel monies. Mr. Butkus said this is coming out of our kitty not the developers. The answer was correct. Mr. Hart stated the developer is doing the demolition of the old homes; he is doing all the street work; he is doing all the engineering and curb work for the project. The Borough agreed to do the signal work. This is part of the materials so we could make sure we have the poles due to the lead time. This is the sole reason for doing this at this time. Mr. Hart said we will still need the signals and the controllers down the road. Mr. Butkus questioned if we will have the same problem for the signaling. Mr. Hart said he didn't believe so. Poles vary on length. With Penn being so wide these are specialty poles. Mr. Butkus asked roughly what we are looking at cost wise for that traffic signal. Mr. Ludgate said he originally did an estimate about a year ago in the amount of \$75,000.00. This is material and labor. Mr. Wenrich questioned if this was strictly Liquid Fuels money. Mr. Ludgate stated this was the agreement which was struck in July of last year as part of the plan approval. There were several agreements. One had to do with the execution of the Queen Street. The Queen Street issue was that the Borough would need to acquire the necessary right of way which would still be owned by the Borough. The Borough would install the signals. The developer would do all the necessary street construction work. That has grown considerably. It has gotten bigger plus they must provide all the engineering. The developer is being billed for any of Ludgate's costs as well as its own engineering

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

costs. Mr. Oswald made a motion to accept the only quote we received in the amount of \$9,999.00 pending PENNDOT along with the Solicitor's approval; seconded by Mr. Pachuillo. AYES – 5, NAYS – 1, (Mr. Butkus), ABSENT – 1; motion carried. Mr. Ludgate said they were authorized to prepare bids for the actual construction of the signaled intersection. At this point, they thought it would be ready for the June workshop meeting however there have been delays in the PENNDOT processing of the plan. So at this point they are asking it be deferred at least a month until the July workshop meeting.

The next item on the agenda was the Zoning and Saldo hearing on June 23, 2010 at 7:00 p.m. Mr. Mooney stated he was proposing the hearing be held at the July workshop meeting. We got County comments back and most of them were administrative in nature. The changes can be made without re-advertising or re-hold a hearing. They have not received the Zoning comments and they still have a few days to submit the zoning comments. In order to get to the June 23<sup>rd</sup> hearing date, he needs to advertise and get them to the Berks County Law Library by Wednesday. So, he feels we might be better holding off and seeing if there are any comments that need to be addressed. So, he feels pushing it to the July meeting would be a safer bet. You don't want to spend the advertising money if you need to re-advertise some changes. Everyone was in agreement to push the meeting back to July. It will be July 28<sup>th</sup>.

**NEW BUSINESS:**

The first item is County radios. Chief Oxenreider stated the County is upgrading their radios to an 800 megahertz system which would require us to purchase new radios. They would be mobile and portable radios. He did receive some quotes from Radio Maintenance in Reading. The quotes actually vary for the hand units to the mobile units. The range is anywhere between \$1,551.00 up to \$6,257.00. These are mobile units. Chief Oxenreider figured about \$1,000 for the hand units and \$2,000 for the mobile units. However, Spring Township had written for a grant which would include Sinking Spring, West Reading, Wyomissing, and Spring Township to purchase some of these radios. The Chief also has some things in the works to possibly help offset this cost. The projected project was 2012 however now he is hearing 2011. He is scheduled to attend a meeting in Wyomissing about the radio system. Mr. Pachuillo said we will be getting ready to do budget so we should be trying to gather the most accurate numbers. Chief Oxenreider stated he will know more after the Monday meeting. Mr. Butkus questioned if they have looked into leasing them instead of purchasing them. Chief Oxenreider stated he hadn't done that of yet, but he certainly could look into it. Mr. Butkus questioned if they will be digital; Chief Oxenreider believes they will be. Mr. Hart questioned if this was only for emergency services or for public works as well. Chief Oxenreider stated they have one (1) public works radio. It is not recommended for public safety. That is the \$1,551.00 one. Mr. Hart said if the police want or need to talk to the street department, they will need to upgrade their radios as well. There was a discussion on whether we need to have two (2) base stations. Mr. Oswald sees where Mr. Butkus is coming from; it would be a backup for the Nextels. A brief discussion ensued on how we can save money on the radios. Chief Oxenreider stated at times Nextels don't work well, but the radio is a good alternate.

The next item was whether we want to opt out on the COG. Mr. Mooney said we are part of the Western Berks Council of Governments. Mr. Mooney spoke to Mr. Hart and Mrs. Shade. They

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

both stated the COG only purchased a chipper and we don't utilize the chipper all that much. We pay to maintain the chipper but if we don't use it, do we want to get out of the COG. Do we just want to get out of the COG and donate what we put into it. We need a year lead time to get out according to the Ordinance we passed and the agreement that was passed. So, we would need to notify the COG members now. Mr. Oswald feels Mr. Hart should make that decision. Mr. Oswald stated major repairs are going to be needed on that piece of equipment. The cost is \$488.08 so far. He is worried about our budget situation and that it probably won't go away for another few years. Mr. Leiby told Mr. Oswald he was at the meeting and he can't believe what he is saying. Mr. Leiby stated they have \$27,000.00 in the checking account. Mr. Oswald said he spoke to Mrs. Shade and Mr. Hart (inaudible). Mr. Leiby said there is \$27,000.00 in the checking account. Mr. Mooney questioned if they found the money yet. Mr. Mooney stated the Secretary of the Township told him they are trying to track down where the money is. Mr. Leiby said that Mr. Oswald was at that meeting and asked if he heard they had \$27,000.00. Mr. Oswald stated yes he was at the meeting because they couldn't find where the money was. Mr. Leiby was representing the Borough. Mr. Oswald said he sat at that meeting and saw no benefit for us to be involved with the COG. Mr. Hart said we are not using the chipper. The reason being since we entered into the contract with Spring Township for the yard waste site, it is much easier for us to pick up the trees and debris, take it over there and that is the last we need to worry about it. The last time we used it was for grinding up the Christmas trees and that was a little over three (3) years. Mr. Butkus said currently the only thing they own is the chipper. Mr. Butkus said as everyone is the same tight money boat wouldn't it be smart to look at the COG for equipment that we only use from time to time. Mr. Leiby said they put up street signs in all the communities; they did a traffic study from Wyomissing Hills to Robesonia. Anytime there was something everyone could use they would approach the COG. That is how they got the wood chipper, Mr. Leiby explained. This is the whole idea of the COG. Now, we have \$27,000.00 and if something comes up in one of the municipalities we could get it. Mr. Leiby said the reason this "odd ball letter" went out is that Bern Township bought their own chipper and they were opting out. Jefferson and Bernville didn't show up at the meeting. Now, they are jumping on and there was nothing in the minutes about opting out, Mr. Leiby said. Mr. Mooney said he discussed opting out with Mrs. Shade and Mr. Hart because we don't use the one (1) piece of equipment the COG owns. Mr. Leiby said we used it one (1) time. Mr. Hart said yes. Mr. Leiby said that isn't the COG's fault that we only used it one (1) time. Mr. Hart said we don't have a use for it. Mr. Oswald said we still pay for the maintenance on it though. Mr. Leiby stated in five (5) years it used \$488.00. Mr. Mooney said he isn't telling Council to get out; we put it on the agenda because here is the information we were presented. We received a call from Heidelberg Township. Mr. Leiby said "they didn't know my phone number, right?" Mr. Mooney asked if could finish his sentence. Mr. Wenrich requested that Mr. Mooney be allowed to speak. Mr. Mooney said the Secretary of Heidelberg told him they received all the information from Mt. Penn regarding the COG because they housed the chipper. The COG hasn't really functioned as an Authority or a unit for the past 2 or 2 1/2 years. Mr. Leiby said there was no request to do anything. Mr. Mooney said the question or thought was since they had an audit there should be money but all they got was boxes of records and no money. They are trying to locate the money and that was the primary reason they convened the meeting that Mr. Leiby attended. Then the question came up within the Borough staff as to whether being a member of the COG really benefits us especially if they don't locate the \$28,000 that Mr. Leiby keeps referring to. Mr. Leiby stated we are signing signature cards and the motion was made to pay the \$488.00. Mr. Oswald said the money isn't there. It

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

doesn't matter if you are signing signature cards if the money isn't there. Mr. Oswald said he was shocked that they even appointed a President, Vice President, Secretary, and Treasurer. His understanding was we were going to discuss where this money was and that wasn't even discussed. Mr. Leiby said the money is in the checking account. Mr. Leiby said you are making it sound like it isn't there. Mr. Mooney said the Secretary from Heidelberg made it seem like it might not be there. Mr. Leiby said if you call this lawyer listed here...Mr. Mooney said he doesn't answer a phone call. Mr. Leiby said he answered his phone call. He didn't answer phone calls from the Borough and he didn't answer letters that we sent him. It says that Dennis Leiby contacted Attorney Richard Burgaman. Mr. Mooney said the Secretary from Heidelberg tried to contact him it said his line was dead with no re-routing number so where you contacted him at maybe you should give her the number. He said he gave the number to the President of the COG. He contacted him and went and picked the stuff up. Mr. Leiby doesn't understand why he says there is no money there. He was at the same meeting how can he be saying this. Mr. Oswald asked Mr. Leiby if he was listening to Mr. Mooney. Mr. Oswald said he keeps trying to get in contact with people and no one is responding. Mr. Leiby said the COG has contacted this lawyer and got all the stuff. Mr. Pachulo said when COG was initiated it was a great thing and he thinks the COG could still be a good thing. His opinion is not to opt out at this point. Mr. Pachulo said let's locate the money and see if everything is okay with the COG and make an educated decision on whether we should opt out of the COG or not. The COG could be a benefit as a tool if the money is there. We can see what equipment and services are available that we can use. Mr. Pachulo does feel we should clear up the money issue first. Mr. Oswald agreed. Mr. Leiby stated July 14<sup>th</sup> there will be a meeting. It is open and everyone can come. Mr. Wenrich said it is one (1) thing to say there is money there but where is it? Mr. Leiby said for someone like him to come to the meeting and say there is no money there. Mr. Oswald stated he never claimed there was no money there. Mr. Leiby stated that he said the money wasn't there. Mr. Wenrich said apparently there has been some confusion with the municipalities as to where the money is. We want to make sure that it is there and then we can sit back and evaluate the needs. It was decided to wait till after the meeting and we can opt out at the July workshop if need be. Mr. Butkus said we aren't paying anything in the meantime. Mr. Leiby stated we haven't paid anything in five (5) years. You are locked into a year. Mr. Oswald has a reservation about being involved in something if the money can't be located. Mr. Pachulo said if something is fraudulent that is something else. Mr. Pachulo said we will address the issue at the July workshop. Mr. Leiby said everyone can come to the meeting.

**POLICE CHIEF – JAMES OXENREIDER:**

The Chief said they received a quote from the cleaning company (the same company that does the office) to clean their rugs. They would do it for \$100.00 for the entire rug area. Mr. Butkus made a motion to contact the cleaning company and have the police area rugs cleaned and to withhold payment until the work is done; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. There were 186 calls for May; 53 traffic citations were issued, 5 warning notices, and 2 parking tickets. Mr. Wenrich stated Mayor Butkus gave him a paper stating that Officer Moyer on 4/1/08 was rehired as a full time police officer. Officer Moyer was rehired as a probationary police officer. He did complete his probationary period satisfactorily. As of 4/1/10, Officer Moyer completed 2 years of service. As per the contract Officer Moyer should be a Class I Patrolman at the rate of \$26.06 per hour. Officer Moyer has been off on worker's

**POLICE CHIEF – JAMES OXENREIDER (cont'd):**

comp/disability/leave. He returned to work the prior Tuesday. Mr. Wenrich said he completed 2 years of service as of April 1<sup>st</sup>. He has been off since December 24, 2009 roughly. Mr. Wenrich said we have a lapse of time in his probationary period plus when do we put the Class I rate into effect? Mr. Butkus said he thought the contract stated when it was to be put into effect. Mr. Wenrich stated it does, at the end of the probationary period. Mr. Mooney stated the question is does he have 4 months of probation to serve yet, as he was not on duty. Chief Oxenreider said he ended his probation for 1 year. He ended his probation in April 1, 2009. He would be off probation then. Mr. Mooney questioned if he needed two years of service to go to Class I to which Chief Oxenreider said yes. Mr. Wenrich stated we are then a few months short. Mr. Pachuillo feels he should serve the rest of the 4 months and we can then make that determination because he would have the entire 2 years of service. Mr. Butkus questioned how we deal with other sick and injury time with various time served. Chief Oxenreider stated as far as he read in the contract, there service time stops but they still get benefits. He went on to say their seniority stops till they come back. Mr. Butkus said according to that he needs to serve that extra time. Mr. Mooney suggested someone should calculate the amount of time he was off and adjust the date when he would become eligible for the Class I rank. Chief Oxenreider stated he would have to verify that. Mr. Wenrich stated we can table this till more facts are gotten. Mr. Leiby thought there was some kind of action. Mr. Mooney stated there is some legal action that was discussed in Executive Session. It is an employee matter so he can discuss with him privately or they can go into Executive Session. Mr. Butkus and Mr. Leiby asked Mr. Mooney to explain what is going on after the meeting. Mayor Butkus said there was one other part. He asked Chief Oxenreider to explain to Council about the detective part. The Chief said in Berks County the District Attorney has instituted a drug enforcement team for the County Departments. Officer Moyer is currently sworn in as a County detective. Any drug activity or drug investigation that is done is in the Borough which may extend into other points in the County, he is going to be doing that work. Mr. Wenrich questioned if this was on our payroll or the County's. Chief Oxenreider said on the County. He gets reimbursed by the County and there is no additional cost to us. He gets paid directly by the County. Mr. Mooney stated they have extended his jurisdiction to be Countywide. Mrs. Stine questioned if this is when he is working his shift here or is this an addition to his shift. The Chief said in addition. The Mayor feels this is a good deal.

**BOROUGH ENGINEER – ROBERT LUDGATE, SR, LUDGATE ENGINEERING:**

Mr. Ludgate had nothing further.

**PUBLIC WORKS DIRECTOR – MICHAEL HART:**

Mr. Hart stated he was approached by a resident to keep the restrooms at the playground open from 7:00 a.m. till 8:00 p.m. when the police can close them. Mr. Hart said they are having problems with using them for not what they should be used for. Currently, they are not open all the time. When playground starts they will be opened but they will only stay open till the leaders leave. Mr. Pachuillo questioned if they are opened when the playground is rented out to which Mr. Hart said yes. They are held responsible. Mr. Hart said if we open them and something happens, we are going to be held responsible for that. Mr. Butkus said don't we run the potential liability especially in the later hours. Mr. Pachuillo feels we should leave it status quo. He feels if we open them up it

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

could be trouble. Mayor Butkus didn't want to bring this out. If someone else uses people's property for public urination and defecation that becomes a sanitary issue. That has been happening. We have those facilities there. Mothers usually bring the kids down. Mayor Butkus doesn't want this on his property anymore. He has witnesses. Many others have witnessed it. He can't blame the kids but if we have the facilities there why not use them. If we don't open them then the playground should not be used. Mr. Pachuillo said what happened in Spring Township was they ended up using port-a-potties. It was cheaper than taking the added expense of opening up the bathrooms. That would take the liability issue, damages, cleaning, etc. away from the Borough. Mr. Oswald's concern is the liability and crime issues as is Mr. Butkus'. If people are public urinating and defecating and you see them you should report them to the police and they should be cited. Mr. Leiby feels just locking them up at night would be easier than chasing them down and citing them. Chief Oxenreider believes in the past they have done that. Mr. Wenrich inquired when the playground closes to which Mrs. Stine stated 8:30 p.m. Mr. Wenrich said the Public Works Department can open them up at 7:00 p.m. Mr. Wenrich said he can see both sides of the problem here. Mr. Wenrich said we can have Mr. Hart open them up and the police close them. It can be a trial run, Mr. Butkus said. We can evaluate it. Mr. Pachuillo questioned if this was for weekdays only or weekends too. He continued the weekends could cost us overtime. Mr. Hart said the past weekend the playground was not rented out, however 2 large parties were held. The place was trashed. He would keep it to only the weekdays. Mr. Oswald stated we would still have the problem then on the weekends. Mr. Wenrich stated let's try it Monday through Friday from 7:00 a.m. to 7:00 p.m. for a trial period. Mr. Hart said is this for just the main playground or is this for Brookfield Manor as well. Mr. Wenrich said he thinks we should do both. We will try this and see how it goes.

**SEWER ENGINEER – DAVID SCHLOTT, JR., ARRO CONSULTING:**

Mr. Schlott said the clarifier equipment has been delivered and installed. The raw sewage pumps have been delivered; and right now the contractor is bypass pumping in order to install the manholes to divert the flow to the new head works building as well as they will be diverting flow out of the raw wastewater pumping station which will pump to the grit facility so they can install the new pumps which were recently delivered. They will be working two shifts so they can minimize their bypass pumping. They start the following day and will work till it is completed. The electrical contractor will be doing startup so they can get rid of the bypassing facilities. He does have application for payment #10 to Wickersham in the amount of \$122,081.41. This reflects work that has been completed as of May 21, 2010. They recommend payment. Mr. Butkus made a motion to authorize payment in the amount indicated; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. There is no application for payment for Hirneisen. There are some change orders that need to be discussed. We are still well within our contingency on this project. There was an e-mail sent out about additional paving. There is a change order to ratify for the additional paving. The amount is \$5,600.00. With regards to the grit classifier replacement, he did get a final cost. The amount is \$85,597.00. He thought it would be around \$90,000.00. The additional work that the electrical contractor will need to do will be about \$6,582.00. That makes it closer to \$92,500 than the original \$90,000.00. Mr. Schlott has spoken to PENNVEST and those numbers had gotten preapproval. Several months ago there was some discussion about lightning protection however the oxidation ditches were not in that quote. He received a quote for the ditches

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

and that cost is \$6,062.00. There were some other change orders that came up. On the conveyor there are gates. He explained how they are used. There were not enough disconnects with that so they needed to get more of them plus additional electrical work. The change order amount for this is \$9,067.00. There was also some electrical work to the trolley and hoist work to lift the screen. That amount is \$4,816.00. There were some other things with the GC, a handhold for the 1 pump, and gas detection equipment. That was \$17,720.00. In addition, there was some issue with one of the subs on additional silk fencing. This was just brought to light. In addition, the day prior he became aware there is a conflict with a utility water pipe where the 1 manhole was to go. They had to relocate that. He is estimating the cost to be \$6,000.00. Basically change orders to date if all of these are approved, the amount would be \$221,483.00. The contingency is \$291,000.00. We have about \$70,000 left. This does not include the deduct change order of \$13,000 or \$14,000 for the clarifier equipment. We are still within the amounts. Mr. Butkus made a motion to pay Wickersham the amount of \$122,081.41; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. He does not see any problems with PENNVEST on this issue. Mr. Oswald made a motion to accept the change orders as mentioned above; seconded by Mr. Butkus. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Mr. Butkus reminded Council that part way through the project it was discussed if we wanted to add an electronic monitoring system for the plant. Due to the timing it was not included in the project. This is something we need to keep in mind because these parts will not be any easy to find in the future. We want to plan it out carefully. Mr. Butkus said they have some rough ballpark numbers. He would like to include this in for next year. Mr. Schlott said when they were looking at it as a possible change order; they were looking at about \$100,000.00. We can put it out for competitive bids.

**COUNCIL VICE PRESIDENT OSWALD:**

Mr. Oswald stated it was brought to his attention that some people feel they have been singled out in matters of approving and not approving things. He wanted to let everyone know, it doesn't matter what department you are in, (i.e. sewer, police, revitalization, whatever) if you are getting close to how much money you were to spend, it is going to be harder for him to vote like that. He has gotten the feeling that people were thinking he was playing favorites and trust him it was not like that at all. He stated if you are getting close to your budget items, he won't be voting for items over what your budget is. He wanted to make it known.

**COUNCIL PRESIDENT WENRICH:**

Mr. Wenrich stated the Council workshop in June would be on the 23<sup>rd</sup>. He doesn't want to run into a situation like we had this past month. It was scheduled and no one could make it. He is throwing it out there, does Council feel we need to have a workshop meeting with the regular meeting a week later on July 1<sup>st</sup>. He has no problems but if he is coming out for an extra meeting, he wants to make sure there is a meeting. Mayor Butkus said it is good to have the meeting on the 1<sup>st</sup>. Mr. Leiby questioned if we need a workshop. Mr. Pachuillo stated the reason for the workshop was for budget preparation purposes. Mr. Wenrich feels if we start working together in July, we should have plenty of time to get a budget together. Mr. Wenrich feels there is no need for a June workshop meeting. Mr. Leiby agrees. Mr. Butkus said let's get a commitment for the meeting on the first. Everyone should be able to make that meeting. Mr. Ludgate stated the items they needed

**COUNCIL PRESIDENT WENRICH (cont'd):**

the June workshop for have been pushed back so from their standpoint a meeting isn't necessary as well. There will be no workshop meeting in June but there will be one in July. Mr. Wenrich did request the police to start patrolling the playground area more especially since school will be out.

**TREASURER REPORT:**General Account

Opening Balance – April 30, 2010		\$455,283.50
PLGIT		9,100.26
Invest	Recreation	49,534.42
	General	354,413.73
Deposits as of May 31, 2010		273,064.89
Checks Written		451,430.10
Payroll		65,031.59
PENNVEST Auto Debit		2,576.47
To Be Paid		<u>39,827.77</u>
Balance as of May 31, 2010		\$582,530.87

Sewer Account

Opening Balance – April 30, 2010		\$712,316.62
PLGIT		61,301.05
Invest		421,766.30
Deposits as of May 31, 2010		149,825.99
Checks Written		453,027.74
Interest on PENNVEST Loan		1,867.94
Repayment of National Penn Bank Loan		211,945.81
To Be Paid		<u>24,540.44</u>
Balance as of May 31, 2010		\$635,828.03

Mr. Butkus made a motion to approve the Treasurer's Report; seconded by Mr. Oswald.  
 AYES – 6, NAYS – 0, ABSENT - 1; motion carried.

**PUBLIC COMMENT:**

Mr. Michael Fraser from the Columbia Court area had some questions and concerns about how vacancies on Borough Council are filled. Mr. Wenrich stated basically if someone relinquishes their seat, Council goes back through any letters of people requesting to be considered for an open seat, like Mr. Fry did that evening. Those names are brought up to the seated Council for a vote. Mr. Fry said there were three other names and he wanted to know who they were. We have Gary Cirulli, Bruce Light, and Christine Stallone, who called Mr. Butkus to tell him she submitted a letter. Mr. Fraser pointed out that Mr. Light ran for two seats in November and was not elected to either seat. (He was inaudible as papers were being shoveled). Mr. Fraser spoke about BOSS 2020 and being involved (again inaudible as much background noise; he spoke from his seat, not the podium). Mr. Wenrich stated it was every citizen's God given right to express their thoughts and

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

feelings. That is why there are 7 of them. Mr. Oswald stated there is no vacancy on Council as of this time. Mr. Leiby stated it looks like they are all trying to get him to die. Mr. Fraser said he hopes Council if the situation ever comes about that they don't consider a person that was rejected by the people not once but twice. Mr. Oswald said he didn't want anyone to think he was killing someone off but if the situation does arise the seat would become vacant at the end of next year anyway. Mr. Wenrich thanked Mr. Fraser for his thoughts. Mr. Jim Adams thought that a vacancy board does the appointment to Council. Mr. Butkus stated our vacancy board is Council plus one. We appointed someone to the board. Mr. Butkus thought it was either Paul Roth or Mike Hart. This board only comes into play if they can't fill the seat. It is very, very rare that a vacancy occurs.

Mrs. Byerly, a long time Borough resident, passed away the prior weekend in a very tragic accident. Mr. Wenrich asked that we remember their family with thoughts and prayers.

Mr. Fry said the Borough has approved a \$10,000.00 amount for a street light; he questioned where that is coming from. He doesn't see anything in the budget for that. Mr. Hart said it comes out of Liquid Fuels money that the State gives us. He said okay. Another question, he had was if there is a current tab on expenditures and income if any, for the BOSS 2020 project. What has this cost us? The Queen Street project, buying the house, and moving that gentleman what were the costs as well as what income has been brought in. What have we gotten from JDH? Is there going to be a continuing accounting as it goes forward? Mr. Oswald stated we have the budget line item. He said if he requested it, there would be a more detail accounting of what was spent and brought in. A discussion ensued as to how much this would cost and how much was spent. Mr. Oswald stated he believed the cost of the house was \$172,500.00 off the top of his head. Mrs. Bohn said all the items have their own account. Mr. Fry said nothing is budget for Queen Street but yet you spent \$10,000 and saying it is Liquid Fuels. Is that going to be showing up there he inquired. Mr. Hart stated that Liquid Fuels is a totally separate fund not part of the General Fund. Mr. Butkus said it is related to which Mr. Mooney said no, it is related to the JDH project not the BOSS 2020. Mr. Fry stated that the BOSS 2020 project is making the JDH project their own. They say that JDH came to Sinking Spring because of that to which Mr. Pachuillo said, yes, because of future development. They are a private developer. Mr. Leiby said what Mr. Fry was saying was, that Liquid Fuels money could have gone to something else and not that intersection. Mr. Pachuillo stated PENNDOT has wanted a light at that intersection for years to which Mr. Wenrich agreed. They wanted it realigned. Mr. Wenrich said JDH is picking up the majority of that cost for the realignment. Mr. Fry said, but they didn't pay for the house. Mr. Wenrich said it was a small price to pay to which Mr. Fry said a small price maybe for you. Mr. Ludgate stated the Borough entered into a contract agreement with JDH and upon approval of the plan there are four or five different agreements that are part of the whole process. One of the agreements related to Queen Street, provided for the right of way acquisition because the right of way was going to be a public right of way. The Borough will pay for the signal which was part of the public street improvements. The developer agreed to pay for all the street construction along with the engineering. As far as he knows both parties are adhering to the agreement. We are obligated to. Mr. Wenrich said the majority on Council agreed to this. Mr. Fry is not saying anybody did anything wrong; all he wants to know is how much was spent. How much we continue to spend? Mr. Oswald said it is public record and he has the right to it.

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

Mr. Harting was inaudible as he was speaking from his seat. He said Sinking Spring was on the map due to a book that was written. It was in regard to Mrs. Byerly's brother-in-law who had gone to war. Mr. Butkus stated the book was at the old Sinking Spring School Library when the school was open.

**ADJOURNMENT:**

Mr. Pachulo made a motion to adjourn the meeting at 9:49 p.m.

Respectfully submitted,

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Regina M. Shade  
Borough Secretary/Treasurer