

The regular meeting of the Borough Council of the Borough of Sinking Spring was called to order on Thursday, July 1, 2010 at 7:00 p.m. at the Sinking Spring Borough Hall by President Stewart Wenrich. After the Pledge to the Flag, Regina Shade called the roll reflecting the following Council Members present:

Stewart Wenrich  
Edward Oswald  
George Butkus (absent)  
Elizabeth Sloan  
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 Regina Shade who recorded the minutes of the proceeding.

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

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

Mr. Wenrich requested a motion to approve the meeting minutes from May 6, 2010 and June 3, 2010. Ms. Sloan made a motion to accept the meeting minutes; seconded by Mr. Pachuillo. Mayor Butkus thought there was an omission on the minutes at the very end. He said Mr. Oswald raised a question in regards to the County Police survey. He was perfectly correct in what he asked for but it was his understanding that he handed the paper to Mr. Wenrich and Mr. Wenrich said we weren't interested in it; that is the reason why they proceeded the way they did. Mrs. Shade stated if that was done, it was done after the meeting adjourned because she did not hear anything like that on the tape. In addition, she said she was not at the meeting. Mayor Butkus said it was at the end of the meeting. Mrs. Shade again stated she heard nothing about that survey on the meeting minute tape. Ms. Sloan questioned if a line or two could be added into the minutes. Mr. Mooney said a Councilperson should make a motion to amend the minutes to reflect that. Mr. Oswald made a motion to amend the minutes; seconded by Ms. Sloan. Mrs. Shade asked if she could have want the amendment should say. Mayor Butkus said the letter from Commissioner Barnhardt's office which Mr. Wenrich read; Mr. Wenrich said we weren't interested in being involved with that so it was given back to Mayor Butkus who gave it to the Chief to fill out. Mrs. Shade stated however that has changed. Mr. Oswald said is this the May minutes? Mr. Oswald said this is the May minutes. The discussion was just the paper in May; he said he didn't talk about this at all at the June meeting. Mayor Butkus said he had the wrong month then. Mr. Oswald said the e-mail came in after that. Mr. Oswald wanted to rescind his motion because he didn't believe he ever said anything like that. Mr. Oswald stated he said that in an e-mail. Mr. Wenrich said he remembers we had the letter and we weren't interested at this time. Mr. Pachuillo stated we still needed to send the survey back with whatever answers we wanted. He continued that after the survey was filled out some members of Council felt we should at least talk about it; that doesn't mean we would do anything but we should at least hear what they are saying. The survey was then sent back with some changes. This all

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

happened after the meeting. We got a second letter from the County looking for our survey. Mr. Oswald questioned if we could enter the e-mail into the minutes. Mr. Mooney stated the e-mails were not part of that meeting. Mr. Oswald stated the public might be confused by this discussion so perhaps we could attach the e-mail as part of this month's meeting minutes. Mr. Oswald said you can enter the e-mail into day's meeting minutes. Ms. Sloan wanted a sentence or two added so you can follow what happened. Mr. Oswald said he basically feels even though there is a disagreement on whether we are part of the regionalization or not, we should say yes, as it doesn't really mean anything but just in case we are forced into it, we are hearing what is going on. We then have a voice in what is going on as opposed to having it forced upon us. Mrs. Shade questioned what the date of the e-mail was to which Mr. Oswald said it was around June 10<sup>th</sup>. The meeting minutes will stand as is, Mr. Wenrich stated. Ms. Sloan stated the minutes were not correct to which Mr. Wenrich said they were. The conversation happened after the June meeting. Ms. Sloan said she would like to see a sentence or two added to the minutes. Mr. Mooney said you can have a sentence or two for the July minutes so the e-mail is understood; this is not for the June meeting. Ms. Sloan said she understood. We had a motion and a second of the floor he was requesting an oral vote. AYES – 6, NAYS – 0, ABSENT – 1 (Mr. Butkus); motion carried. Mr. Oswald would like to have the e-mail added as part of the July minutes. Mr. Oswald elaborated in a discussion regarding police revitalization and the reasons behind the Borough's response to the County Commissioners' survey regarding police revitalization. The substances of Mr. Oswald's comments are contained in the e-mail exchange which will become part of the permanent record.

**VISITORS:**

There were no visitors.

**COMMUNICATIONS:**

Mrs. Shade stated before the meeting Ms. Sloan gave her some information regarding Mass Mutual (life insurance) and it's free payment of children's education if something happens to a parent. She read some of the highlights from the press release. There are some requirements that must be met before you can become eligible for this program. They are both physical and financial criteria. If something would happen to a parent the student would be entitled to \$50,000 toward their education. Everyone received the information. Ms. Sloan went on to give more details. She stated if Council is interested then we should set a date sometime in the fall for signing up. She feels that people in the Borough could qualify for this. It is a nationwide program and there are no hidden costs. They are giving back to the community. Mr. Wenrich asked for Council's thoughts; he asked if they would like to look over the info and it could be discussed at the next meeting. Mr. Pachuillo stated since we have a website perhaps we can put something on there. Ms. Sloan stated we need to set a date. A brief discussion ensued. Mr. Pachuillo questioned if there will be a need. It was decided that putting some info in the Library might be a good idea. Mr. Wenrich cautioned Council on using the website for putting ads on. Both he and Mrs. Shade received phone calls from a business located in the Borough about an ad that was on the website from a business outside the Borough lines. They felt we were taking business away from a local business. Mr. Leiby questioned if we have a newsletter coming out soon to which Mrs. Shade said no. It will probably becoming out either right around that time or perhaps even after. Mr. Leiby questioned what fund

**COMMUNICATIONS (cont'd):**

it comes out of to which Mrs. Shade said the recreation portion of the General Fund. Mr. Pachuillo questioned why Mass Mutual can't fund the advertising for this. Ms. Sloan said they will and they will do the manpower however they still need the place to hold the event. Ms. Sloan stated she feels it is good for the Borough but she doesn't really care as she is making no money off this. Mr. Wenrich requested Mrs. Shade check and see when the hall would be available. Mrs. Shade stated if this is done during the day there she be no real problem. Ms. Sloan stated she was thinking from 11:00 to 5:00 or 11:00 to 6:00. Mrs. Shade stated the Borough Hall closes at 4:00 so someone would need to take charge and make sure everything is put back the way it was. This is just like any other group that would rent the hall or playgrounds. Ms. Sloan would be more than happy to help with that. She went on to say we need to get people in. If they only write three (3) policies they haven't done much for the Borough. It was decided Monday, September 13, 2010 from 11:00 to 5:00.

**APPROVAL OF BILLS:**

Mr. Pachuillo made a motion to pay the bills; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

**WESTERN BERKS FIRE DEPARTMENT:**

Mr. Pachuillo stated the reports are in the folders. They are still looking to hire a Fire Commissioner and there is a lot of back and forth. The deputy chief vehicles have been delivered. The May 18<sup>th</sup> meeting minutes are in the folder. There is a roof issue at one of the buildings (the old Lower Heidelberg Fire Company). A brief discussion ensued regarding the process of hiring the Commissioner.

**MILLER ENVIRONMENTAL:**

Mr. Peter Juzyk gave the report for June, 2010. The flows have come back to more of a normal range during the past month. The average daily flow was 583,000 gallons; the minimum daily flow was 505,000; and the maximum daily flow was 650,000 gallons. The total rainfall was 2.80 inches. That helped drop the flows. The loading data is within the current design limits. The replacement WAS pump was installed on June 10, 2010. It is functioning well. On June 10<sup>th</sup> the new raw influent pumps were started. The new influent screen was also started on that date. Everything is operational since that point with no major issues. Scott Davis from Constructive Wetlands lasted inspected the newly planted reed beds about two (2) weeks prior. Per his request, the plant staff entered and removed unwanted vegetation including a lot of tomato plants. Mr. Davis was satisfied with the growth of the reeds. Mr. Juzyk stated he still has had no response from Wonderful Chinese Restaurant regarding transfer of their discharge permit. Mr. Juzyk now has learned they have another new owner. He has contacted Mr. Mooney and asked how and if we could tie the IPP program in with a certificate of occupancy. Mr. Juzyk stated Mr. Mooney said the Sewer Use Ordinance could be amended to include a requirement that an IPP permit application be submitted before a certification of occupancy is issued. There have been a few restaurants upon startup that have been difficult to get back their applications from. Ms. Sloan questioned if we got anything back from Tom Cat to which Mr. Juzyk said yes. Mr. Mooney stated we can levy fines

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

against them. Mr. Oswald requested that they see the draft. Mr. Mooney said he will get it together and send it to Council before the next meeting. Mr. Juzyk stated he imagined that the clock starts new with the new owner. Mr. Wenrich asked if the change in ownership was registered here at the Borough. Mr. Hart said they have started but it was not complete as of yet. They don't have a CO as of yet. Mr. Juzyk said this is around the fourth change in ownership since 2007. Ms. Sloan feels we need to amend the sewer agreement (Ordinance). Mr. Mooney said you can fine them up to \$1,000 a day according to the Sewer Use Ordinance. Mr. Wenrich feels \$100 a day would get their attention. Mr. Leiby questioned if they owned the property. They don't. Mr. Leiby asked if we could go after the landlord. He said if his tenants don't pay they go after him. Ms. Sloan said go after both. Mr. Leiby thinks it is the same thing. He feels the landlord should be responsible. A brief discussion ensued as to why the landlord should be responsible. The Ordinance says the "user". The user is defined as the source of indirect surcharge. Mr. Oswald stated we would need to amend that. Mrs. Shade said if Council amends the way it is handled can't we amend the definition of user. Mr. Mooney said we can do that. Mr. Mooney said under the current method the owner of the Wonderful Chinese Restaurant can be cited. Mr. Mooney stated he can issue the violation however the Sewer Use Enforcement Officer will need to write the citation. Mr. Pachuillo made a motion to authorize the levying of fines under the industrial Pretreatment Ordinance against Wonderful Chinese beginning immediately and the consultants will work out the enforcement procedures under the Ordinance and to have the fine begin at a rate of \$100 per day; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. Ms. Sloan questioned if we should send a courtesy letter to Tom Cat letting them know that in the future this could happen to them. Mr. Mooney said they are signed up. Ms. Sloan questioned if this was a once and done thing or must they do it every year. Mr. Juzyk said there is a renewal every three (3) years. Mr. Wenrich feels they had a bad idea of what is going to happen. Ms Sloan said we should send him a letter telling him what the penalties will be. Mr. Mooney said he can't do that as he doesn't know what the rates might be. There could be a totally new Council in place by that point. Mr. Wenrich said all of the other businesses have cooperated. Mr. Wenrich stated he noticed the violation notices that were issued for Dunkin Donuts and Friendly's. He questioned what the violations were for. Mr. Juzyk stated he believed Friendly's was for too much BOD. Dunkin Donuts said the owner responded and he disagrees with the results. He would like a split sample done with laboratory personnel present. Mr. Juzyk stated the way the permit is written it is the responsibility of the discharger to do the sampling. By having them going and doing it, we are actually providing them with a service. They are charged for the service. It is well in their rights to do their own sampling. Mr. Juzyk said he will be present to make sure that he agrees. He will send off his portion for their findings and they can use their own lab; he continued they do that with ALCON on a regular basis. Mr. Leiby stated during the prior month it was brought up about the vent caps, he questioned if they were replaced. Mr. Juzyk said he had not received a response from Dunkin Donuts (that is who was having the issue). He has not had a chance to go up and check on it himself as of yet. He will definitely look into it. Mr. Mooney questioned if we wanted to go over the letters we received from South Heidelberg Township. Mr. Mooney said we received two (2) letters from South Heidelberg Municipal Authority. One (1) was requesting they be allowed to have an estimated bill provided to them because they believe their meter was malfunctioning on Beacon Street across from the bar-b-que pit. Mr. Schlott stated the flow from South Heidelberg flows through the Beacon Street meter and then crosses the street and goes into Lower Heidelberg and then is measured again in the Lower Heidelberg meter which is closer to the creek at Aluminum

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

Alloys at that location. They said the Beacon meter was reading higher than the Lower Heidelberg meter which is downstream. So presumably, you would have more wastewater enter the pipes as it goes downhill yet the downhill was reading less than the upstream meter. He did receive a call earlier that day that they think they know what the problem is. It may not be a meter as it was just calibrated. They called Captain Clog to come out and they believe that the Lower Heidelberg line was clogged and perhaps was backwashing against the meter causing a "double read" sort of speak. Mr. Juzyk questioned if they mentioned where they thought the clog was located at. Mr. Mooney stated he only spoke to their Solicitor and their meeting was that night as well. They were hoping to get some type of verification or report from Captain Clog. It was the Solicitor's feeling that the meter was reading closer to what they believe is normal now since Captain Clog flushed the lines. Mr. Juzyk said he did mention to Mr. Schlott that during the month of June the numbers at Beacon had drastically dropped from what they had been. Earlier in the year Mr. Bright from Spotts, Stevens, and McCoy, who is their engineer, had contacted Mr. Juzyk inquiring why he thought the readings were as high as they were. One (1) of the items he mentioned was that he thought there was a pretty stagnant flow leading from Beacon to under Penn Avenue. Mr. Juzyk stated that was one (1) of their recommendations. It wasn't our responsibility; it was up to either South Heidelberg or Lower Heidelberg to investigate further. Mr. Schlott explained out the meters work. Mr. Pachuillo questioned if the meter is working okay now, can we just go status quo with our billing? Mr. Mooney said their argument is going to be the amount of sewage they discharged was not what they got billed for. Right now, Mr. Mooney said, he wasn't looking for an answer he just wanted to make Council aware that he along with our consultants is having these discussions. He feels perhaps after next month he will have a better idea as what to do. Mayor Butkus said this is nothing new, this has been going on for twelve (12) years because meetings were held on this very issue. Grease has always been a problem. Mr. Schlott stated it is their responsibility to maintain their pipes and meters. Mr. Oswald stated he hopes they don't come back and ask for a cut off their bill because it isn't our job to maintain their meters and pipes. Ms. Sloan asked what the status was on all the agreements. Mr. Mooney said the only one (1) that is not signed is Lower Heidelberg and they have placed this item on their agenda for their July 19<sup>th</sup> meeting. They are to vote on it along with sending us our check. He feels the last of the exhibits were attached earlier that week and their Solicitor, Andrew Bellwoar, says it will be on the agenda for July. Ms. Sloan questioned if they had copies of the clean agreements to which Mr. Mooney said he can distribute them to Council. She would like a copy. Ms. Sloan questioned if Mr. Mooney feels confident this should be "put to bed" to which Mr. Mooney stated yes. They understand they owe us. Ms. Sloan questioned what kind of penalties could be assessed in the future so things like this don't keep occurring. Mr. Mooney said the other suggestion we offered while we were working through this was the fact that the old agreement is still in place. Under the old agreement they would have had to pay a lot more. Ms. Sloan stated we lost interest on our money in the meantime.

**REVITALIZATION PROJECT:**

Mr. Ludgate stated there is a lot of activity. The biggest story is the development up the street that is really moving along. It is called the Spring Market Center. It appears everything is moving along and going as planned. It is designed to blend into the first phase of the revitalization project. It will provide for a street like passage through the site with sidewalks. Mr. Pachuillo asked what businesses would be located in the Center. Mr. Ludgate said he knows of three (3) solid

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

business, Food Lion, Five Guys and Fries, and a Family Dollar Store. Mr. Ludgate stated the BOSS 2020 people met with ALCON. ALCON has a foundation which has a mission to make contributions to local worthwhile activities. Mr. Patterson who is the General Manager and Vice President of ALCON, feels we should send in an application for these funds. Mr. Ludgate feels the application should be used for funds to help pay for the architectural drawings. This would show what the downtown would look like. Mr. Patterson said they typically like to follow through in future years. Another area Mr. Patterson feels they might be interested in would be developing a park at the site of the spring. The committee is excited about that. Mr. Ludgate stated he received an e-mail from Mrs. Shade stating there appears to be another round of PCTI funding becoming available. This is basically the smart transportation. He believes this will be coming out in late summer. Mr. Ludgate stated a few weeks back Council appointed a traffic engineering consultant. They have completed the preliminary environmental analysis. This is not a formal document. The preliminary analysis shows no issues at this time...no surprises. They had also have done some traffic counting and analysis. One (1) big issue they have found has been "cut through traffic or by pass traffic". One (1) concern is if they do build a better pathway through the downtown will that induce people to no longer take the bypass routes and add more traffic downtown. They are doing license plate studying and other analyses to see how the bypass routes are used and by who. They already have stated it is very unusual in Sinking Spring; we have a traffic jam at 10:00 a.m. and not at 8:00 a.m. We have a lot of truck traffic going through the Borough. It is true. He hopes to get the traffic impact study completed by the end of summer so if we have an opportunity to apply for the PCTI funding this would help. There is one (1) small problem. PENNDOT has had a personnel change in District V. The Smart Transportation person in our district has left. A new man has been assigned. The new person has a lot of duties not just Sinking Spring so as of yet we have not been able to have a scope meeting with him and the staff at District V. Ms. Sloan questioned Mr. Ludgate when he said it appears everything is on track at the latest development; who checks on the work? She questioned who is responsible on behalf of the Borough. Mr. Ludgate said the responsibilities are shared. Mr. Hart is in charge; the sanitary sewers are inspected by ARRO Consulting; Ludgate works with the storm sewers and street issues; and the commercial building inspector will inspect the buildings. Ms. Sloan said right in front of Rita's there is some construction tape and some sidewalk or curbing has been removed what is going on there. Mr. Hart stated that is PENNDOT; that is the handicap ramps. Mr. Wenrich stated that is every intersection. Mr. Wenrich stated the old Schneck property was to have been purchased and there was talk of a rail siding going in there; are we aware of this. Mr. Leiby stated Sunoco is going in there. Mr. Ludgate stated no plans were filed. Mr. Hart said he received plans for a 60,000 pound butane tank. No land development plans were submitted. He contacted the builder of the tank and told them everything was on hold till these plans were submitted. Mr. Wenrich was hoping with the extra rail that would reduce some of the tanker traffic on the Borough streets. The switching is a nightmare though. The last issue under revitalization is the possibility of two (2) federal grants. One (1) is called Tiger II, which is part of the stimulus packages. The other is basically a HUD Grant for livable communities. They are planning grants that combine traffic improvements and land planning providing it includes an element of improved housing. Our downtown plan calls for a mix of housing and businesses downtown. He believes the plan will qualify and he is researching about the federal grants. Both are federal grants. There is 20 million dollars available under Tiger II and about 30 million dollars under HUD but again it is nationwide. There is a pre-application process. It must be submitted within about the next 25 days. He would like to continue pursuing this. He

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

believes there is a 20% match. He believes you can use in kind and other sources. He gave some examples. A brief discussion ensued. On July 20<sup>th</sup> at 8:30 a.m. the LUPTAP Committee will be having their quarterly meeting. It is a Tuesday. Ms. Sloan will try and make it. Mrs. Stine can also attend. He stated all of Council is welcome. Mr. Ludgate said the Borough has a contract with DCED. It was signed last year. The Borough has an obligation to produce the study. You have three (3) years however we are trying to get it done quicker than that. Getting the LUPTAP Study done is a prerequisite to getting other financing. Ms. Sloan had another question regarding the JDH project. She stated in all of his reports at least in the beginning he was very concerned about the ditch that was the closest to the railroad bridge and the breakdown and erosion in that ditch. What has been done to address that, she asked. She went by and there appeared to be just as much water in there as before. Mr. Ludgate said the ditch we were concerned about was on the other side of the tracks. Mr. Wenrich stated that was the Hoffmann Tract. Mr. Ludgate stated this is a Spring Township issue and he is following up with them. According to the newspaper, they still haven't approved that plan. They want Spring to make some specific requirements related to the policing of this very issue. Mr. Ludgate said the ditch on the north side, storm water comes down on a concrete gutter on Queen Street and it flows into the site and has always flowed into the site. What happens is the water if flowing on the railroad right of way; it is not actually part of the developer's property. He set his building up higher so he doesn't get water. At the end he will need to place some catch basins to pick up the flow. It then gets further complicated because PENNDOT has storm sewers there. This is a PENNDOT storm water issue. Ms. Sloan stated that might be a suitable answer to you but that entire ditch there is degraded and a problem. Mr. Ludgate questioned if she was talking the north side or the south side. Ms. Sloan would have to walk out there to see. She said it would be closer to the railroad bridge. Mr. Ludgate said that is PENNDOT land on both sides. Mr. Ludgate stated we have alerted the railroad because it is on their land but getting the railroad to do anything is very difficult.

**UNFINISHED BUSINESS:**

The flu clinic will be held October 13, 2010 from 11:00 a.m. till 2:00 p.m. at the Borough Hall providing the availability of the vaccine.

The Zoning and Saldo hearing is set for Wednesday, July 28, 2010 at 7:00 p.m. Mr. Ludgate said the developer for the Spring Market Site has requested a minor change in signage from the draft copy. We have a limit of 20 square feet for an individual sign; however they have requested an increase to 30 square feet. He wanted to know if Council has an opinion on this and also if Council and the Planning Commission our desirous of this basically one (1) word change could this be done at the hearing itself. Ms. Sloan said it would change the size of the sign from 20 square feet to 30 square feet. It is not just a wording change. Mr. Mooney feels it would need to go back to both Planning Commissions, ours and the County's. Mr. Ludgate thought a minor change could be done at the meeting. Mr. Mooney said this isn't a minor change. You are changing the size of the signs. Mr. Ludgate feels it is not practical to make the changes then. Mr. Mooney said we haven't advertised as of yet so the Borough has not incurred any expense. Mr. Oswald said he talked with both Jackie at Ludgate as well as Mr. Hart and they have concerns that the size of the signs become so huge it becomes like "Time Square" down there. He does agree with it at some point but he is hesitant because if everyone does it we will have these huge signs all over. Mr. Ludgate said the

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

Ordinance will not allow for that. They are allowed one (1) pedestal sign on each frontage with a maximum of 100 square feet. The Ordinance allows 100 square feet for a building but there is a subsection that the individual signs that make up the 100 square feet can be larger than 20 square foot each. What JDH is asking is for the individual signs to be 30 square feet not the 20 square feet but the pedestal sign will remain the same. It doesn't increase the total size of the sign just the layout of the signs. Ms. Sloan wants to see a piece of cardboard at 20 square foot and one (1) at 30 square foot. A picture doesn't help and she is not inclined to agree to it. A brief discussion occurred on how big the signs will be. Mr. Ludgate stated there are a couple of ways this could be handled. The first would be to say, we like the thirty (30) foot signs do whatever you need to get it in the Ordinance. We could say we don't like the thirty (30) foot signs, so we are going to leave the Ordinance as is and have the hearing; or we could postpone the hearing and go to Plan B. Mr. Pachuillo feels we should just leave the Ordinance alone. Both Planning Commissions put a lot of time going over this. Mr. Ludgate agreed. He said the issue of the signs was never really discussed; we just incorporated the old sign ordinance into the new one (1). Both Mr. Hart and Mr. Ludgate explained to JDH about the sign limit size. Each separate building down there can have 100 square foot sign; they have five (5) buildings. One (1) building has for example has four (4) units. Mr. Mooney stated if this is increased, you will be increasing the total signage for that entire zoning district. Mr. Ludgate said it would apply to the "C" district. Mr. Wenrich feels we should just leave it alone. Mr. Ludgate said this has come up from their leasing agent, who apparently has been getting questions from potential tenants. Ms. Sloan stated perhaps a straw vote at this time might be in order. Mr. Oswald questioned about businesses that back face Penn Avenue, can they have signs. Mr. Oswald questions if they would be able to have a 10 foot sign in the front and a 10 foot sign in the back. Mr. Hart said he doesn't know if the front would count because that is not a street frontage. Mr. Hart said they do have another option and that would be a Zoning Hearing. They could ask for the hearing and get a variance for that extra footage. Council took an informal poll and they wanted to stay with the current ordinance. The next issue was stormwater facilities in new developments. The Ordinance that was advertised does not address how we address ownership of stormwater facilities. There has been some discussion. Mr. Ludgate feels we should keep the Ordinance the way it is. The discussion is whether the Ordinance should require there be a homeowner's association for a multi lot project that would have a common retention facility; or if the multi lot project should be municipality owned and that a contribution be made to the municipality to offset future maintenance costs. He feels we should leave the subdivision Ordinance the way it is and deal with it on a case by case basis as they come up. Mr. Mooney said his advice is that you don't want to own stormwater facilities. Ms. Sloan said how does this affect us; we only have five (5) developmental parcels of land left? Mr. Ludgate said she was right. He just wanted to make Council aware of discussions that are going on.

The next item was Brookfield Manor Playground. Mr. Hart stated the plans were finally approved. However, they will not start the project until the playground season is complete. He doesn't want to dig holes, etc with kids around. Mr. Hart said they did buy expandable awnings for them. They fit right over the two (2) picnic tables and they are happy. They go up easy and come down easy. Mr. Hart would like to get the okay to purchase the materials for this. He would like to have some of the stuff on hand so we aren't rushing at the last minute to buy it. Mr. Wenrich asked when Mr. Hart feels they will begin the project to which Mr. Hart stated as soon as the playground closes. Ms. Sloan wanted to know the cost of the stuff he needs to buy now. Mr. Hart said the roof

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

trusses will be about \$2,500.00 however they will be the last thing he purchases. He doesn't want them sitting out being exposed to the weather. Materials for everything will be about \$8,000.00. He questioned if we have a projected price. Mr. Hart said we have about \$40,000.00 set aside. Mrs. Shade stated this will be coming out of the Recreation Invest Fund shown on the balance sheet. Mr. Pachuillo made a motion to allow Mr. Hart to begin purchasing the supplies and materials he needs to begin the roof project at the Brookfield Manor Playground with Ms. Sloan stating not to exceed \$10,000.00 at this time as she feels that is enough to get the job started; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

**NEW BUSINESS:**

The first item was the alarm at the sewer plant. Mr. Hart stated under the new building codes, when the new grit building was built, to comply with the new codes they need to have a fire alarm system in that building. We have a fire alarm system in that building with a main panel in the office building that goes nowhere. He had gotten a price from our carrier here which is Security First to operate the system. There are a couple of problems though. It is an ADP System that was installed. They installed their system with their dialing system. From what he is told by our security people, they installed equipment for only a burglar alarm not a fire alarm. That question was asked at their last meeting and the electrician was going to look into that however he has heard nothing back from them as of now. If our firm has to install a new dialer we are looking at about \$750.00. That is just for that. Our firm will waive the connection fee. Our increase in the monthly fee will be about \$100.00 per year to add that building. Mr. Pachuillo questioned if this money will come out of sewer and the answer was yes. We don't really have a choice. The main control panel is in the office building. The office building is not protected. If we are going to go to this existent, he asked for a price to alarm the office building as that is where all the records are kept. We are talking heat and smoke detectors. To do the office will be \$3,500.00 and that is materials. We have to do the grit building anyway. Mr. Hart said the cost would be \$3,500.00 plus if we need to replace the dialer it would be another \$750.00. He is trying to get the contractor to change that. Mr. Oswald made a motion to allow Mr. Hart to look into installing the fire protection system and equipment in the office for an amount not to exceed \$5,000.00; seconded by Mrs. Stine. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Mooney received a call from the engineer for the Terraces. One (1) of the things they must do is re-locate a portion of roadway. We are to vacate a portion of roadway when they construct. Mr. Ludgate stated they must purchase land from the Church. Mr. Mooney suggested that we enter into an agreement with them, where we take dedication of the new roadway upon review, inspection and approval of our engineer and when we take dedication we shall vacate the old portion of the roadway in order to facilitate so we have an agreement that they do what they are to do under the subdivision and land development plan. He is looking for authorization to draft the agreement. Mr. Leiby questioned if a traffic study was ever done on Summit with the new development. Mr. Leiby said they are going across the cemetery to get down Summit. Mr. Pachuillo said from Planning Commission, there was no traffic study done but what is happening is why they are extending the roadway from the top of Summit down to Wynnwood. Mr. Leiby questioned if there will be a light at Wynnwood to which the answer was no. Mr. Pachuillo stated they have more visibility there to make the turns. Mr. Hart said they could also make either a left or

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

right turn. Mr. Leiby believes it will be a nightmare there. Mr. Ludgate stated the projected traffic is not high enough to warrant a light. Mr. Pachuillo stated it would be for only one (1) day a week. Mr. Ludgate said you have to meet the warrant on 4 to 6 p.m. on weekdays or 7-9 a.m. on weekdays, or certain times on Saturdays. Mr. Leiby said we don't have all the street names. Some of the street names were turned down. Mr. Ludgate stated they have them listed as Street "A", Street "B" those types of names. They are on a preliminary plan. Mr. Leiby said he had a call from a resident the other day if we could name a street after Mr. Noecker. Mr. Leiby thought names were supplied and turned down. Mr. Hart said the part that was going to be dedicated to the Borough will be Summit Boulevard. Mr. Hart said that is the only street we shall be naming the rest are going to be private. They will give them their own private names. Mr. Leiby thought it would be a nice gesture. Mr. Ludgate thought perhaps Spring Market might be persuaded. Mr. Oswald thought that too as well as Ms. Sloan. Mr. Pachuillo said early on in the Revitalization talks, the land for the park, there was a discussion of naming the park after Mayor Noecker. Mr. Ludgate said they might have discussed this with the County 911 however nothing has come to the Borough. Mr. Leiby understood. Mr. Oswald authorized Mr. Mooney to move forward with the agreement; seconded by Mrs. Stine. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

Mr. Wenrich stated Mayor Butkus asked how we were doing with the lightning protection as the sewer plant. Mr. Schlott said at the last meeting there was a change order for putting some lightning detection equipment on the oxidation ditches. He doesn't recall if that has been done. Mr. Juzyk did not know either; however Mr. Schlott stated that lightning protection has been installed on all other buildings. He believes after talking to the electrical contractor that it is all operational and we just need to add the ditches. Mayor Butkus said when we accept the plant as being completed to we have insurance on it. Mrs. Shade said she could answer that. Once we take full dedication of the plant and she has the final documentation, she will contact our insurance carrier and add the new equipment. Mr. Schlott said currently it is under the contractor's warranty. It is still their responsibility. He explained how the warranties worked. Mr. Schlott stated they will at a Council meeting make a recommendation that the Borough accepts the sewer plant and that the proper paperwork be filled. At that point it would become the responsibility of the Borough and he will coordinate with Mrs. Shade as far as getting any descriptions on equipment she might need. Mrs. Shade feels they probably will send someone out to look at the plant at that point as well.

The next item was informing the public that the Borough Playground is sponsoring a car wash on July 21, 2010. Mrs. Stine said they were going to do an Alex's Lemonade Stand in addition to the carwash. She also said at the first carwash they did, they made \$198.55, considering they were only open less than a week, she felt that was awesome. Mrs. Stine stated they will be advertising pretty heavily for the stand as they would like to make a sizable contribution to that organization. Ms. Sloan questioned if that was going to be held at Breneman Park. Mrs. Stine said no it is going to be at Sinking Spring Playground. Mrs. Stine said the leaders are doing a great job. She has been stopping in at night and all is going well.

Mr. Ludgate said they would like to advertise the contract to install the signals for Queen Street to be opened July 28<sup>th</sup> at the workshop meeting. They had asked to purchase polls ahead of time and they received a call from PENNDOT that they feel the sign post will be part of the same contract. Because that would put the price over \$10,000.00 they won't allow it. So everything will

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

need to be placed in the contractor's bid. The contractor will need to bid and furnish all the polls. There could be lead time problem but we can't really do anything about it. We are quickly coming on the developer's deadline although the developer has yet to secure the permits we need. It is not the Borough that is the cause for delay. The developer's engineer took two (2) months to respond to PENNDOT's comments on their April submission. They submitted it in June. They got a new submission dated June 18<sup>th</sup>. If the Borough comes under criticism, he just wants Council to know it is not the Borough that is holding things up. Ms. Sloan said what would our options be to move them along? We would have to get independent Council, Ms. Sloan said. Mr. Mooney said you can't move PENNDOT. It is not our responsibility it is the developer's responsibility. He is not in breach of his agreement; he is just dragging his feet. He explained what will happen. Mr. Mooney explained to Council what is going on and why when they come "barking" they should get slapped. Mr. Pachulo made a motion to move forward with the advertising of bids for opening on July 28, 2010; seconded by Mr. Oswald. AYES – 6, NAYS – 0, ABSENT – 1; motion carried.

The other issue is Paulo Brutto. Mr. Brutto has requested release of funds. Mr. Ludgate said the outstanding issue is sanitary sewer. Mr. Schlott agreed. Mr. Schlott said the outstanding issue is that the sewer lines are to be dedicated to the Borough. For them to be dedicated to the Borough they were to supply as built drawings to the Borough which he just found out have been provided to Mr. Hart. They also must be televised, and flushed. They will need to be looked at which should not be a big deal at all. They also must submit a letter stating they wish the lines to be dedicated to the Borough. Once they have all the above items they can make a recommendation to the Borough to accept dedication of the lines. He believes that is a private street. Mr. Mooney questioned it they will be providing a deed of dedication or a proof of sale. Mr. Schlott feels it probably will be a proof of sale. There were easements put on the drawings. The televising and flushing will be paid for by Mr. Brutto. Mr. Schlott said he believes it has been completed however he must review the tapes or DVD.

Mr. Oswald made a suggestion regarding the budget. He stated that Mr. Hart, Mr. Schlott, and Mrs. Shade came up with a great idea since it will be hard to have actual hard numbers at this point in time. They suggested that an infrastructure committee be formed to look at what we need so we have a rough estimate as to some of the costs for next year. They can state what is really needed in all departments. He would like to see Mrs. Shade, Mr. Hart, and Chief Oxenreider on the committee along with whomever Mr. Wenrich would pick. Mr. Wenrich placed Mrs. Stine and Mr. Oswald on the committee.

Ms. Sloan stated at the last Library Board meeting it was discussed to have her contact our local State Senator and State Representative and tell them that there are a lot of people using the libraries. They wanted her to sit down with them and make sure they are behind us with funding and continuing support for our library so we can move forward. We know next year is going to be tough with budgets. They just want to build a relationship with them. Mayor Butkus asked how much money do we get from the State. Ms. Sloan said our total budget is about \$150,000.00 a year; \$30,000 comes from the Borough; the other \$120,000 is from donations from Friends and grants. She would have to get the information on the rest as she didn't know that off the top of her head. Mayor Butkus said on the Philadelphia news the night before they are going to be closing 29

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

branches because local funding as taken such a hit. Ms. Sloan said we have enough for the next two (2) years if we stretch it out. They are trying to stay ahead by contacting them.

**PUBLIC COMMENT:**

Mr. Ken Harting questioned what was the option if the person didn't pay the \$100 for their fine for sewer discussed previously? Mr. Wenrich stated as far as he knew if they failed to pay it will go against the property. Mr. Harting again said if he doesn't pay the \$100.00 what are you going to do? Mr. Wenrich said shut the water off. Mr. Harting said the motion didn't entail that. Mr. Wenrich said we have to "do the due process". We must give them a chance to pay the fines. If they don't pay we will shut the water off. He is trying to be business friendly but every other business and residence must pay so will they. Mr. Harting asked where we are putting this \$100.00 a day. Ms. Sloan said General Fund to which Mrs. Shade said no, it would go into the Sewer Fund and Council agreed. Ms. Sloan said it would have to go to the Sewer Fund. Mr. Harting again said it will be going into the General Fund to which Mr. Mooney said no, it was generated by the Sewer Fund it will go into the Sewer Fund. He thanked Council.

**PUBLIC WORKS DIRECTOR – MICHAEL HART:**

Mr. Hart stated with the security system they want 50% of the money upfront before they start the project. Ms. Sloan wants Mr. Hart to remind them first on replacing the dialer. Mr. Hart stated that wasn't this. That is something different. Mr. Schlott said they will check into that. Mr. Oswald stated we did authorize the payment for this. Mr. Hart just wanted Council to be aware we would have to pay 50% upfront.

Mr. Hart said the sinkhole at the Mt. Home Road Pump Station has been repaired and everything is fine. The Borough staff repaired a broken lateral on Reedy Road right along Broad Street the week before.

Ms. Sloan asked about the sinkhole on Kirkwood. Mr. Hart said the one in the middle of the street to which Ms. Sloan said yes, it is sinking about an inch per year. Mr. Hart stated there is nothing really showing signs of a sinkhole. He believes the whole trench is settling. Ms. Sloan asked if that will ever get fixed or patched or something because every time you go over that road you dip. Mr. Hart said he has no funding to do that. Mr. Oswald said that is one (1) of the infrastructure items that needs discussing. Mr. Hart said we thought we did have a hole there; so they cut a small 4x4 patch, they lifted it off and found nothing. Ms. Sloan said okay. Ms. Sloan said we have been waiting like three (3) years to get that done because at one (1) time they thought it was still active. Mr. Hart said it is longer than that. It was that way before he came on board. Ms. Sloan said the road basically disappeared in front of someone's driveway on Kirkwood. Mr. Hart said it was area of about 30 foot square; it's big. It is going to take some money to repair it. Mr. Hart said there are no holes; it is a depression.

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

Mr. Schlott stated the return activated sludge pump needs to be delivered. There was a

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

delay in delivery however they are expecting it to be delivered next week and installed the week after. The other item is the change order for the grit classifier. That is expected to be delivered late next week as well. That should be taken the week after delivery. It appears the contractor will be able to issue a letter on or before July 16<sup>th</sup> stating the project is substantially complete. At that point, ARRO will do an inspection; generate a punch list; and then issue an opinion if they feel it is substantially complete. The only thing he sees as substantially outstanding at this point is the RAS pump. He would be inclined to recommend a substantially completion with the exception of the grit classifier only because that has a longer lead time and it was awarded late in the project as a change order. In all fairness to the contractor he doesn't know if we should hit him up for that. There are some smaller items. Most of the activities are complete. The clarifier will not be put into service until the return activated sludge pump is up and working. There is no sense to do that. Everything seems to be moving along. They have two (2) requests for payments; application for payment #11 to Wickersham Construction in the amount of \$214,750.65 this is for work completed as of June 18<sup>th</sup>. We have application for payment #5 to Hirnesien Electric in the amount of \$30,313.80 for the same time frame. Based on review by ARRO they recommend payment of both requests. Mr. Oswald made the motion to pay both requests as outlined above; seconded by Mr. Leiby. AYES – 6, NAYS – 0, ABSENT – 1; motion carried. In regards to the change orders, there was one (1) for the handhole and gas detection system previously listed as \$17,500.00. That was an estimate; it came in at \$18,474.00. The only things are two (2) deduct change orders. We changed the clarifier equipment which was a substitute and there was a \$14,000.00 deduct which will go into this as well as the primary digester which we cleaned. He preferred to give that entire amount when it was calculated and at a later date. Ms. Sloan questioned why we were up \$1,000 on that one (1) bill. Mr. Schlott said it was just an estimate. He is also waiting to hear from the contractor on the utility water conflict figure. He is not sure what that will be however he did try to estimate high. Ms. Sloan questioned if that \$1,000 difference is legitimate to which Mr. Schlott stated absolutely. Mr. Schlott stated the contingency on this project was \$291,000.00. If you are to look at the change orders to date without the deduct change orders we are at about \$222,000.00. We are coming in under budget. A brief discussion ensued. Ms. Sloan questioned how long before we can use the reed beds; is it a year lead time. Mr. Juzyk stated they are actually applying sludge to them now. Ms. Sloan said so now we have four (4) reed beds total. Mr. Juzyk said no, we have twenty (20) reed beds. Mr. Leiby stated it says that a field test was done at Terrace; he questioned if that was going in the manhead? Mr. Schlott stated they had a field visit to decide which interceptor they are to tie into. They are supposed to tie into the Borough's. Originally, they were thinking they were going to tie into the one (1) closest which would be Spring Township. They will tie into the manhole. Mr. Leiby asked if a test was done to see how much might come in there at one (1) time. They did a water pressure test but there was no discussion as to whether that was going to be taken in the manhead. Mr. Schlott does not see that it will be a problem. He thinks it will be highly unlikely for an 8" pipe. He explained why. All those units are eventually going to tie into the Cacoosing Interceptor. Mayor Butkus said he thinks he is asking how close is that line to surcharging? Mr. Schlott said he doesn't believe that will be a problem. We had a flow analysis study done a few years ago, Mayor Butkus said. Mr. Schlott said we can look at that information and that should give us the answer. He again, doesn't believe there will be a problem. A brief discussion ensued as to where the tie in will be. It is going to be tied directly into the 15" line not the 8". Mayor Butkus misunderstood. We will have to advise Spring Township as we will be

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

crossing their interceptor. He had some preliminary discussions with their personnel and it doesn't appear that will be a problem.

**POLICE CHIEF – JAMES OXENREIDER:**

Mayor Butkus asked Chief Oxenreider to enlighten Council about the DUI checkpoint they did the other evening. Chief Oxenreider stated 1,045 cars went through the checkpoint. It was at Sunoco. They met at 9:30 p.m. and actually didn't get out there till about 11:00 p.m. It went till about 2:00 a.m. They had three (3) DUI's, 28 traffic citations, and he couldn't remember the other details. Mayor Butkus said we did not pay for this. Mr. Leiby said yes you do pay for it through your taxes. Mr. Pachulo said they were all over the County. There were a few thefts from vehicles during the week of the Apple Dumpling Festival. There were no break ins that the Chief was aware of in our area. Mr. Wenrich said the police did a great job and there were no major incidents.

**TREASURER REPORT:**General Account

Opening Balance – May 31, 2010		\$209,404.45
PLGIT		9,100.30
Invest	Recreation	49,536.72
	General	354,421.03
Deposits as of June 30, 2010		176,529.12
Checks Written		82,592.53
Payroll		69,648.26
PENNVEST Auto Debit		2,576.47
To Be Paid		<u>24,123.47</u>
Balance as of June 30, 2010		\$620,050.89

Sewer Account

Opening Balance – May 31, 2010		\$192,275.94
PLGIT		61,301.11
Invest		421,841.37
Deposits as of June 30, 2010		94,841.37
Checks Written		212,756.42
Returned Deposit		50.00
To Be Paid		<u>25,312.04</u>
Balance as of June 30, 2010		\$534,872.66

Mr. Oswald questioned if we are at the point where we are going to see the money start dropping drastically. Mrs. Shade stated that June 30, 2010 was the end of the flat period for the tax bills. We are now entering the penalty phase for those that have not paid as of yet. Most of the residents and businesses have paid their taxes as of now, so there will be no substantially increases in our revenues from now on. Mr. Oswald questioned if the \$620,000 number in the General Fund will begin to drop to which Mrs. Shade said yes. Mr. Oswald asked Mrs. Shade if she thought we

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

will be going into the negative to which Mrs. Shade said she certainly hoped not but it depends on what spending we do. If we get hit with early snowfalls and sinkholes, that could be a problem. It is hard for her to predict but she is concerned as to where we will be at the end of December. Mr. Oswald made a motion to approve the Treasurer's Report; seconded by Ms. Sloan. AYES – 6, NAYS – 0, ABSENT - 1; motion carried.

**ADJOURNMENT:**

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

Respectfully submitted,

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Regina M. Shade  
Borough Secretary/Treasurer