

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
JANUARY 16, 2017 7:00 P.M. – BOROUGH HALL

Council Members Present:	Joseph Peterson, Mayor	David Blank, President
	Cindy, McGee, Vice President	Richard Happel, Member
	Steve Lusky, Member	Robert Myers, Member
	Neil McCauley, Member	Peter Uhniat, Member
Staff & Professionals:	Aaron J. Durso, Manager	Terry Weiler, Solicitor
	Theodore Roth, Chief of Police	Brian Boyer, Engineer

Call to Order: President Blank called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag.

Opening prayer was led by Councilman Lusky.

Eagle Scout Project

Robbie Yanos was present to discuss his Eagle Scout Project. Robbie provided an overview of his Eagle Scout project of repainting the gazebo at Main Bird Park. A **motion** was made by Vice President McGee and seconded by Councilman Lusky to approve Robbie Yanos' Eagle Scout Project of repainting the gazebo in Main Bird Park and the Recreation Board will work with the Eagle Scout on the colors to be painted on the gazebo.

Appointments

President Blank asked Council if they wanted to make a motion to appoint all the appointments listed below.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve all appointments below a) through l). Motion carried 7-0.

1. Appointments

- a) Kenneth Imes – Planning Commission – 4-year term to expire 12/31/20
- b) Bert Tucci – Planning Commission – 4-year term to expire 12/31/20
- c) Darren Schinski – Parks and Recreation – 5-year term to expire 12/31/21
- d) David Wheeler – Zoning Hearing Board – 3-year term to expire 12/31/19
- e) Kenneth Long – Health Officer – Health Board – 5-year term to expire 12/31/21
- f) Aaron Durso – Shade Tree Commission – 5-year term to expire 12/31/21
- g) Terry Weiler – Planning Commission Solicitor
- h) Charlie Benson –Vacancy Board
- i) Aaron J. Durso and Kenneth Templin – Alternate Code Officers
- j) Fred Mogel – Zoning Hearing Board Solicitor
- k) Bonnie L. Frisco – Recording Secretary – Civil Service Commission
- l) Brown and Brown – Borough's Insurance Agent

Resolutions

A **motion** was made by Councilman Happel and seconded by Councilman McCauley to adopt Resolution Nos. 2017-01 through 2016-07 and 2017-09 through 2017-18. Motion

carried 7-0. Resolutions 2017-08, 2017-19 and 2017-20 will be handled later in the meeting.

- 2017-01 - No Employee Contribution to Police Pension Plan
- 2017-02 - Appoint Aaron J. Durso as Borough Manager and Secretary
- 2017-03 - Appoint Berks EIT Tax Bureau as EIT and LST Tax Collector
- 2017-04 - Appoint Brian Boyer of Boyer Engineers as Borough's Engineer
- 2017-05 - Appoint Kenneth J. Imes, Jr. as Emergency Management Coordinator
- 2017-06 - Appoint Kelly J. Yanos as Borough Treasurer
- 2017-07 - Appoint National Penn Bank as the Investment Institution
- 2017-08 - Appoint Ralph Cross of PCI as the Zoning and Codes Officer
- 2017-09 - Appoint Herbein & Company as the Independent Auditor
- 2017-10 - Appoint Terry Weiler as the Borough Solicitor
- 2017-11 - Appoint Vist Bank as the Depository for Operating Funds
- 2017-12 - Re-enacting the Per Capita Tax
- 2017-13 - Re-enacting the Real Estate Transfer Tax
- 2017-14 - Appoint Aaron J. Durso as the Admin Officer of the Borough Pension Plans
- 2017-15 - Appoint Kenneth Templin as the Fire Marshall
- 2017-16 - Appoint Kenneth Templin and Barry Katzin as Fire Code Inspector
- 2017-17 - Reappoint Kevin Orman to the Birdsboro Municipal Authority for said term to expire 12/31/21
- 2017-18 - Appointing Kenneth Imes as the Borough's Assistant Zoning and Code Enforcement Officer and the Building Inspector
- 2017-19 - Appoint _____ to do the code inspections for the Birdsboro Power Project
- 2017-20 - Appoint _____ to fill the vacant position on the Municipal Authority for said term to expire 12/31/18

President Blank opened the floor for nominations for appointment for Resolution 2017-20 to fill the vacant Birdsboro Municipal Authority position.

Councilman McCauley nominated Mary Ann Cotter to the Birdsboro Municipal Authority and was seconded by Councilman Myers. Councilman Happel nominated Jeff Kauffman to the Birdsboro Municipal Authority and was seconded by Councilman Lusky. President Blank asked if there were any other nominations. Seeing there were no other nominations Solicitor Weiler asked for a motion to close the nominations. A **motion** was made by Councilman Lusky and seconded by Vice President McGee to close the nominations. The motion carried 7-0.

President Blank then asked for a roll call vote for appointing Mary Ann Cotter to the Birdsboro Municipal Authority.

Councilman Myers -	No
Councilman Happel -	No
Councilman Lusky -	No
Vice President McGee -	No
Councilman McCauley -	Yes
Councilman Uhnjat -	No
President Blank -	No

Motion did not carry 1-6.

President Blank then asked for a roll call vote for appointing Jeffrey Kauffman to the Birdsboro Municipal Authority.

Councilman Myers -	Yes
Councilman Happel -	Yes
Councilman Lusky -	Yes
Vice President McGee -	Yes
Councilman McCauley -	Yes
Councilman Uhniat -	Yes
President Blank -	Yes

Motion carried 7-0.

Minutes–December 19, 2016 Council Meeting

A **motion** was made by Councilman Lusky and seconded by Councilman Happel to approve the December 19, 2016 Council Meeting minutes. Motion carried 7-0.

Bills List and Treasurer’s Report

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the Bills List dated January 16, 2017 and Checks for Ratification dated December 20, 2016 – January 15, 2017. Motion carried 7-0.

A **motion** was made by Councilman McCauley and seconded by Councilman Happel to approve the Treasurer’s Report dated January 16, 2017. Motion carried 7-0.

Manager’s Report

Deputy Tax Collector

Manager Durso asked for a motion to approve Bonnie L. Frisco as the Deputy Tax Collector at a salary of \$2,000 per year which will be deducted from the current Tax Collector salary. Tax Collector, Judith Lumis reviewed with Council why she needed a new deputy and why Ms. Frisco would be a good replacement. A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to appoint Bonnie L. Frisco as Deputy Tax Collector with an annual salary of \$2,000. The motion carried 7-0.

Stormwater Management Agreement – Keller Property

Manager Durso asked for a motion to approve the Stormwater Management Agreement for the Keller Property. A **motion** was made by Councilman Happel seconded by Councilman Lusky to approve the Stormwater Management Agreement for the Keller Property. Motion carried 7-0.

Spotted Lantern Fly

Manager Durso reviewed with Council and the public a flyer and card regarding how to deal with the Spotted Lantern Fly. Manager Durso stated that someone from the DCNR will come to a Council meeting later in the year to give a more detailed update.

Grant

Manager Durso informed Council that the Borough has been awarded a grant for \$251,000 that coincided with the grant for \$100,000 that the Borough was previously awarded to replace the

ADA ramps on W. 1st Street, W. 2nd Street and Jefferson Street around the Birdsboro Elementary Center

Birdsboro Elementary Center

Manager Durso informed Council that he had attended a school board meeting and they mentioned that they would be bringing up the closing of the Birdsboro Elementary Center in 2017. Council will need to attend that meeting when it is scheduled.

Engineer's Report

Engineer Boyer reviewed is monthly report with Council.

Mayor/Police Reports

Chief Roth reviewed his monthly report with Council. Chief Roth highlighted three thefts from vehicles that happened on December 19 and two on December 22. An arrest was made by Officer Fay for the thefts that occurred on December 22. On December 30 Birdsboro PD responded to a suicide that occurred in the Borough. The Birdsboro PD has been working with the Office of Aging in regards to a gentleman who lives on E. 6th Street and thefts that occurred at his home and Officer Fay was able to make an arrest. Chief Roth stated that he is still working with Administrative Assistant, Bonnie L. Frisco, getting quotes to update the phone service.

Mayor Peterson asked for Alice Focht Church to be added to the February 20, 2017 agenda.

Emergency Management

No new report.

Fire Department

The Fire Department report was printed and distributed.

Solicitor's Report

Solicitor Weiler asked for a motion to advertise the 2017 tax ordinance with the tax being 6.86 mills. A **motion** was made by Councilman Lusky and seconded by Councilman Myers to advertise the 2017 Tax Ordinance for adoption at the February meeting. The motion carried 7-0.

Solicitor Weiler informed Council that he has been working with Engineer Boyer and Manager Durso on the Stormwater Management Agreement for the Birdsboro Power Project. Solicitor Weiler then informed Council that they will need to have an Executive Session at the end of the meeting

Municipal Services / Department Reports

Water Department: Report provided.

Wastewater Treatment Plant: Report provided.

Streets Department: Report provided.

Council/Committee Reports

Councilman Uhniat - Councilman Uhniat stated that he has followed up with the Greater Reading Chamber of Commerce.

Councilman McCauley – Councilman McCauley informed Council that the next Pioneer Crossing Landfill Advisory Committee meeting is January 25 at 5:30 p.m.

Councilman Myers – Councilman Myers read an article out of the borough magazine that dealt with Boroughs being able to enact an ordinance to give tax credits for emergency response personnel. Councilman Myers and Solicitor Weiler stated that if the Borough would be interested in doing that the Borough would have to establish criteria for people to qualify for the tax credit. Councilman Myers talked about the Birdsboro Rotary Club, Legion and VFW hometown banners campaign and Councilman Myers stated that Mark Bird the founder of Birdsboro was the deputy quartermaster under General George Washington and Councilman Myers would like the Borough to sponsor a banner in recognition of Mark Bird as part of this program. A **motion** was made by Councilman Myers and seconded by Councilman Happel for the purchase of a banner for Mark Bird out of the Harms Benefit Fund in the amount of \$180.00. The motion carried 7-0.

Vice President McGee- Vice President McGee noted Parks and Recreation will be meeting on January 25, 2017 and then read an email from Home Depot thanking the Birdsboro employees for helping them set up the Santa house for the Christmas in Birdsboro event.

Mayor Peterson and Manager Durso stated that there would be a Planning Commission meeting on January 24, 2017 at 7:00 p.m., the fourth Tuesday, to review the Birdsboro Power Final Plan and the Planning Commission would also be reviewing the preliminary plan for the Car Museum.

Council recessed into Executive Session at 8:30 p.m. and reconvened at 8:50 pm. Solicitor Weiler gave an overview of the Executive Session to discuss an appointment matter of a contracted employee.

A **motion** was made by Councilman Lusky and seconded by Vice President McGee to not reappoint Ralph Cross of PCI, Inc. as the Codes and Zoning Officer and to terminate any further business with this firm effective immediately. The motion carried 7-0.

Council entered into discussion regarding presentations of proposals for the Code and Zoning Officer. Council then asked Engineer Boyer to review his proposal with Council. Engineer Boyer reviewed his codes individual and qualifications with Council.

Council reviewed the proposal by IMS and Mr. Christman reviewed his proposal with Council and the experience of his firm. A **motion** was made by Councilman McCauley and seconded by Vice President McGee to appoint Boyer Engineering and Michael Schwenk as the Codes and

Zoning Officer to fill the appointment for Resolution No. 2017-08 for Code and Zoning Officer. The motion carried 7-0.

Council discussed the proposal from PCI, Boyer Engineering, and IMS for inspection services for the Birdsboro Power Plant project and it was noted that each firm has the appropriate certifications to perform the required inspections at the Birdsboro Power Plant project. Council then asked Mr. Christman of IMS if he has any experience doing codes for power plants. Mr. Christman said that he did not do anything specifically related to power plants but did handle larger projects such as new construction and renovations at Graterford Prison. Council then asked Mr. Christman what his interpretation of what he would need to inspect for the Birdsboro Power Project and Mr. Christman explained that he would need to inspect based off the Uniform Construction Code.

Borough Council reviewed Engineer Boyer's proposal regarding doing code inspections for the Birdsboro Power Plant project. Engineer Boyer reviewed his proposal with Council and asked Engineer Boyer if there would be any conflict of interest with him being the Borough Engineer as well as the Code Inspector for the Birdsboro Power project and Engineer Boyer indicated that there would be no conflict of interest and Solicitor Weiler concurred. Council then asked Engineer Boyer on the qualifications of his inspector and Engineer Boyer reviewed his inspector's qualifications and Manager Durso again stated that all the companies that submitted proposals for this project have all the proper certifications to do the code inspections for the Birdsboro Power project. Council then asked Engineer Boyer about his billing structure for the Birdsboro Power project and asked him if he would put a cap on his billing structure. Engineer Boyer stated that he based his cost projection on an estimated amount of hours that he feels would be needed for this project and Engineer Boyer stated that he is not sure what other issues would arise once the project started as it relates to billing.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat for the Borough to contract with NEIC to be the Code Enforcement Inspector for the Birdsboro Power Project for \$150,000 as stated in their proposal. Council then entered into a lengthy discussion about the motion. Mayor Peterson spoke about NEIC's proposal and their current experience in doing code inspections on a Power Plant being built in Jessup PA. Vice President McGee stated that NEIC has specific experience with code enforcement on power plants based off their proposal and what Mayor Peterson stated. Councilman Uhniat said he reviewed all the proposals and he was impressed with NEIC and their experience. Councilman Happel then stated that each individual firm has knowledge of construction and code enforcement so why would Council select a firm that is further away. Councilman Myers then directed Council to look again at Boyer Engineering's proposal and he said based off Boyer's pricing and the assumption that the inspector would work 16 hours per week on the project that Boyer Engineering's proposal comes in much lower than NEIC and IMS. Councilman Lusky then spoke again about NEIC's experience and that they are currently doing code work on a power plant that is actually being built by the current contractor that is building Birdsboro Power. Mayor Peterson stated that NEIC was tested by Kiewit and handled it well. Councilman Happel then asked if any commitment has been made to NEIC by the Committee or any Council member. Councilman Lusky stated no. Councilman Happel then asked Councilman Lusky who recommended NEIC

and Councilman Lusky said Quad 3 who was going to submit a proposal and sub out to NEIC but told NEIC to submit a proposal on their own. Mayor Peterson stated that NEIC is familiar with doing code inspections on a power plant project. They're familiar with the scope of work and what needs to be done. Councilman Myers then said the credentials for all four firms are exemplary and he states the candidate that stands out to him is Boyer Engineering and the Borough has worked closely with Engineer Boyer and his proposal comes in less than the other three candidates. Councilman McCauley then stated that he was not happy that the contractor recommended the Inspector and Councilman Lusky stated that the contractor did not recommend the inspector but another engineering firm recommended NEIC. Councilman McCauley then expressed his concern with NEIC's distance from the project and Councilmen Happel and Myers also expressed the same concerns. Councilman McCauley then stated that he likes the idea of the code enforcement for the Borough being under one company. Councilman McCauley stated that all codes and inspections are standard and having power plant experience is not necessary. Vice President Blank stated that NEIC has the experience for this project and Solicitor Weiler asked for roll call vote on the motion.

Councilman Myers -	No
Councilman Happel -	No
Councilman Lusky -	Yes
Vice President McGee -	Yes
Councilman McCauley -	No
Councilman Uhnjat -	Yes
President Blank -	Yes

The motion carried 4-3.

ADJOURNMENT: The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Aaron Durso
Borough Secretary