

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
FEBRUARY 20, 2017 7:00 P.M. – BOROUGH HALL

Council Members Present: Joseph Peterson, Mayor
Cindy, McGee, Vice President
Steve Lusky, Member (via phone)
Neil McCauley, Member
David Blank, President
Richard Happel, Member
Robert Myers, Member
Peter Uhniat, Member

Staff & Professionals: Aaron J. Durso, Manager
Theodore Roth, Chief of Police
Terry Weiler, Solicitor
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 after which was a moment of silence.

Solicitor Weiler summarized why Council is retaking the vote for approval of the Birdsboro Power Land Development Plan and explained to Council why the action taken at the special meeting was invalid due to Subdivision and Land Development requirements.

Birdsboro Power

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the Birdsboro Power Land Development Plan subject to the Planning Commission's approval and satisfaction of Engineer Boyer's comment letters dated January 24, 2017, February 6, 2017 and February 17, 2017.

President Blank asked Council if they had any discussion on the motion. Councilman Myers relayed to Council that he had questions and that he had spoken to Mr. Palumbo of Emberclear about the questions. One question dealt with methane gas concerns. Mr. Palumbo explained the active control measures that are in place and Mr. Palumbo also answered questions regarding the pipeline and how they check for leaks and he also said that there would be CO2 detectors in the building and that all the pipes that are installed are inspected for cracks. Councilman Myers then asked Mr. Palumbo questions regarding the noise and Councilman Myers stated that Mr. Palumbo said that noise measurements are taken at the property line and sound levels will meet the Borough Ordinance at the property line at 53 decibels. Councilman Myers stated that he asked Mr. Palumbo about the lighting and Mr. Palumbo noted that all lights will be focused downward and the lights will have visors so there should be little to no light spillover. Councilman Myers then asked about emissions and the particle matter and Mr. Palumbo noted the emissions are monitored by the DEP and the DEP has real time results at all times. Councilman Myers then asked what would happen if there was a power failure and Mr. Palumbo responded that the plant will have diesel generators that are able to operate the plant during power failure. Councilman Myers then asked if there was any hazardous material on site and ammonia will be the only hazardous material on site and all the necessary controls will be on site for monitoring and controlling. Councilman Myers then had one remaining issue with the Schuylkill River Trail and Councilman Myers said that Councilman Happel, Councilman McCauley and himself met with Mr. Folwell of the Schuylkill River Trail to discuss improvements. The main improvement is to make the trail ADA compliant and Councilman Myers was concerned who would pay for the improvements and an area businessman responded to Councilman Myers in a letter stating that he always supports the trails and the redevelopment

in Birdsboro. Councilman Lusky then asked Councilman Myers if that was a letter from J.P. Mascaro and Sons and Councilman Myers stated that it was that letter. Councilman Lusky asked Councilman Myers if he could read the letter since all of Council had not received the letter yet. Councilman Myers read the letter. Councilman Myers feels confident that the trail issue will be taken care of once the Birdsboro Power Plant project is complete. Birdsboro will become a trailhead with a sign and kiosk area near the old aqua duct. Councilman Happel then asked Solicitor Weiler a question about who would approve the plan first, the Planning Commission or Council. Solicitor Weiler stated that the Planning Commission is a recommending body and the Borough usually acts on the recommendation of the Planning Commission. He said that the motion that is on the table is contingent on the Planning Commission's approval. Councilman McCauley asked Solicitor Weiler a Subdivision and Land Development question and Solicitor Weiler answered the question. Councilman McCauley then asked Engineer Boyer a question regarding the sound ordinance and Engineer Boyer answered and Councilman McCauley stated that he is concerned about the sound because Birdsboro is a quiet town and wouldn't want the noise to disturb the Borough residents especially at night. It was noted that Brown's Feed Mill, Beacon Container and the H&K Quarry can all be heard when they are running in the evening. Motion carried 7-0

Solicitor Weiler then noted they do not need a new motion to approve the Birdsboro Power Stormwater Management Plan Agreement plan that was passed at the special meeting as the action did meet all the Subdivision and Land Development Ordinance requirements.

Councilman Lusky exited the meeting at this time.

Presentation by Abundant Life Assembly of God

Pastor Devin Blankenbiller of Abundant Life Assembly of God informed Council and the community of an event that they will be holding in Main Bird Park on September 23. President Blank asked Solicitor Weiler if the Council should make a motion to approve the event and Solicitor Weiler stated Council should. A **motion** was made by Vice President McGee and seconded by Councilman McCauley to approve Abundant Life's event on September 23 and approve their use of Main Bird Park for such event. Motion carried 6-0.

Presentation by Alice Focht United Methodist Church

Alice Focht United Methodist Church made a presentation to Borough Council and they also had a representative from the Eastern District of the United Methodist Church present. They stated the last service held at Alice Focht United Methodist Church will be held April 30, 2017 at 2:00 p.m. They asked if the Borough could close Hook Street from Demmon Street to E. 1st Street from 1:30 p.m. -5:00 p.m. A **motion** was made by Councilman Uhniat and seconded by Vice President McGee to close Hook Street from Demmon Street to E. 1st Street from 1:30 p.m. -5:00 p.m. on April 30, 2017.

Mayor Peterson stated that he and Councilman Myers met with individuals from Alice Focht and the Eastern District representative and they shared about how the building would be handled after it closed. They wanted the United Methodist Church District to know that the church is a beautiful building and a treasure to the community and hope the District will try to maintain the

building as a sanctuary. Councilman Myers then asked the District Representative if there were any prospective occupants and the Representative explained the process and that there are no prospective or potential occupants until the district takes control of the building and then the District will market the building. Councilman Happel then asked after they have their last service on April 30 who is responsible for the maintenance and upkeep of the property. The Representative from the Eastern District stated that the District will be responsible.

Minutes–January 16 Council Meeting and January 30 Special Council Meeting

A **motion** was made by Councilman Myers and seconded by Councilman Happel to approve the January 16, 2017 Council Meeting and January 30, 2017 Special Council Meeting minutes. Motion carried 6-0.

Bills List and Treasurer’s Report

A **motion** was made by Councilman McCauley and seconded by Councilman Uhniat to approve the Bills List dated February 20, 2017 and Checks for Ratification dated January 17, 2017 – February 19, 2017. Motion carried 6-0.

A **motion** was made by Councilman Myers and seconded by Councilman Happel to approve the Treasurer’s Report dated February 20, 2017. Motion carried 6-0.

Manager’s Report

2017 Road Project

Manager Durso and Engineer Boyer handed out information regarding the Borough’s tar and chip Road Project for 2017. Manager Durso stated that the initial estimate was made up with the original budget numbers but the road budget has been cut. Manager Durso then highlighted for Council the roads the Borough would do. There are two prices given, one with tar and chip without the fog seal and the tar and chip with the fog seal. Councilman McCauley stated that he did not like the fog seal and he felt the last company had it run on the curbing and that when cars drove over it they got the oil on their vehicles. There was a brief discussion by Council regarding the fog sealing.

Daniel Boone High School Mock Accident

Manager Durso noted that Daniel Boone High School asked if they could use N. Water Street for a mock DUI accident. A **motion** was made by Councilman McCauley and seconded by Councilman Uhniat to allow Daniel Boone School District to use N. Water Street for the mock DUI accident with the condition that it will be overseen by the Birdsboro Union Fire Department and all safety concerns will be addressed. Motion carried 5-1.

Sidewalk Grant

Manager Durso reviewed with Council the sidewalk grant received and he stated that the funds are for the ADA ramp replacements on the West side of town surrounding Berks Elementary Center.

Watershed Bridge

Manager Durso stated that he would be meeting with the DCNR and Engineer Boyer to discuss writing a grant for the bridges out on the watershed.

Benecon Insurance Seminar

Manager Durso asked Council for a motion to approve his attendance at the Benecon Insurance Seminar with a cost for lodging not to exceed \$350. A **motion** was made by Councilman McCauley and seconded by Vice President McGee to approve Manager Durso's attendance at the Benecon Insurance Seminar with lodging costs not to exceed \$350. Motion carried 6-0.

Zoning Hearing Board Alternate – Mary Ann Cotter

Manager Durso informed Council that Mary Ann Cotter expressed interest in being the alternate to the Zoning Hearing Board. A **motion** was made by Councilman McCauley and seconded by Councilman Myers to appoint Mary Ann Cotter to the position of Alternate to the Zoning Hearing Board. Motion carried 6-0.

Birdsboro Community Memorial Center (BCMC) Full Payment for 2017

Manager Durso informed Council that the BCMC is asking for their full payment of \$15,600 for 2017 which is normally paid quarterly. There was a brief discussion regarding the needs of the Community Center. Councilman McCauley wanted to state to the BCMC that the full payment is one time for 2017 only. A **motion** was made by Councilman Happel and seconded by Councilman McCauley to pay the BCMC their contribution of \$15,600 in full for 2017 only instead of quarterly. Motion carried 6-0.

Daniel Boone Middle School Track

Manager Durso asked Council for their permission to allow him to be a volunteer track coach for the Daniel Boone Middle School. Vice President McGee asked Manager how many years he has been a volunteer and Manager Durso said that he believes this is his eighth year as a volunteer coach and Manager Durso did state that he had been the head coach as the head coach took a one year sabbatical and that was the only year Manager Durso was paid. A **motion** was made by Vice President McGee and seconded by Councilman Uhniat to be to allow Manager Durso to be a volunteer track coach for the for the Daniel Boone Middle School for the months of March, April and May. Motion carried 6-0.

Trout Rodeo

Manager Durso read a letter from the Birdsboro Community Children's Trout Rodeo Committee asking the Borough to close Rustic Park from Thursday, April 27 at 6:00 p.m. until Sunday, April 30 at 6:00 p.m. Closing the park would ensure the safety of the event. Last year they had people trying to fish the area after it was stocked and people doing that rob the children of the opportunity of catching the large trout. A **motion** was made by Councilman Uhniat and seconded by Councilman Myers to close Rustic Park, except for the Trout Rodeo participants, from Thursday, April 27 at 6:00 p.m. until Sunday, April 30 at 6:00 p.m. Motion carried 6-0.

Host Agreement – Birdsboro Power

Manager Durso informed Council that Borough has received the Host Agreement Payment of \$1,350,000 from Birdsboro Power. Manager Durso stated that \$200,000 will be placed in escrow for the building permit, the Borough would have to keep \$135,000 in the checking to pay for the new paver and \$800,000 will be placed in the PLIGT savings account. A **motion** was made by Councilman McCauley and seconded by Vice President McGee to distribute the \$1,350,000 payment from the Birdsboro Power Host Agreement as follows: \$200,000 to be placed in escrow for the building permit, \$135,000 to be kept in the checking account to pay for the new paver and \$800,000 to be placed in the PLIGT savings account. Motion carried 6-0.

President Blank thanked Manager Durso for reaching out to Emberclear and drawing their attention to Birdsboro and the Armorcast site and also thanked Councilman Lusky for the idea of asking for the payment for the new paver. Also thanked was the Birdsboro Power Committee consisting of Mayor Peterson, Councilman Myers, Councilman Lusky and Vice President Blank.

Engineer's Report

Engineer Boyer reviewed is monthly report with Council.

Mayor/Police Reports

Chief Roth reviewed his monthly report with Council. Chief Roth informed Council that they may contact him if they have any questions regarding is 2016 annual report.

Emergency Management

No new report. Ken Imes informed Council that the Tier 2 reports required by PEMA were updated and submitted to PEMA.

Fire Department

Fire Chief Scott Kulp reviewed the Fire Department monthly report with Council and Birdsboro Union Fire Department Treasurer, Ken Long, shared with Council the repairs that were made to the power truck and the costs associated with that. He asked Council if the Borough would loan the Fire Department the money to pay the invoice in full and the Fire Department would pay back the Borough in the next 18 months. A **motion** was made by Councilman Myers and seconded by Councilman McCauley to loan the Birdsboro Union Fire Department \$19,058.92 out of the Harms Benefit account be paid back over 18 months interest free and authorize Solicitor Weiler to draw up the agreement. Motion carried 6-0.

Solicitor's Report

Solicitor Weiler asked for a motion to approve the 2017 tax ordinance with the tax being 6.86 mills. A **motion** was made by Councilman Happel and seconded by Councilman McCauley to approve the 2017 Tax Ordinance (Ordinance No. 466). Motion carried 6-0.

Municipal Services / Department Reports

Water Department: Report provided.

Wastewater Treatment Plant: Report provided.

Streets Department: Report provided.

Council/Committee Reports

Councilman Uhniat - Councilman Uhniat told council that he met with PA Americana and he showed Council a copy of the magazine and informed Council that there are extra copies here at Borough Hall and noted the Borough can add events to the calendar on their website. Councilman Uhniat stated that Councilman Lusky and he met with the Birdsboro Chamber and there will be a Chamber Event on April 22 at the Community Center from 11:00 a.m. to 2:00 p.m.

Councilman McCauley – Councilman McCauley informed Council that that the Pioneer Crossing Land Fill Advisory Committee did not meet in January but will meet on February 22.

Councilman Myers – Councilman Myers informed everyone that the Memorial Day Parade will be May 29 and the Commanders of the Birdsboro American Legion Post 626 and the VFW are looking for participants and anyone who is interested may contact the Legion or the VFW. Councilman Myers informed Council that the municipal elections are May 7 and there are three open Council positions as well as the offices of Mayor and Tax Collector and the filing deadline is March 7.

Vice President McGee- Vice President McGee noted that April 22 will be Beautify Birdsboro as well as the Community Yard Sale and all groups are welcome to participate. The Street Fair and Duck Derby will be May 13. Vice President McGee noted that the Daniel Boone School District scheduled the hearing date for the closing of the Birdsboro Elementary Center for April 6 and noted that we need to rally the troops to get the public to come out and voice their opposition. Mayor Peterson agreed with Vice President McGee and said that he feels that a certain Board member may be questioning if the current realignment plan is efficient.

President Blank informed Council that he received an e-mail from Councilman Lusky stating that Councilman Lusky is resigning from the Fire Advisory Committee. President Blank informed Council that Councilman Lusky said that the Wine and Spirits store will be opening on March 23, 2017.

Public Comment on Non Agenda Items

Don Wary asked Council what will happen to Birdsboro Power if the pipeline is shut down from Oley to Birdsboro. Manager Durso informed Mr. Wary that he was told by DTE, the company installing the pipeline, that all easement agreements for the pipeline have been signed.

ADJOURNMENT: The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Aaron Durso
Borough Secretary

