

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
MAY 15, 2017 7:00 P.M. – BOROUGH HALL

Council Members Present: Joseph Peterson, Mayor
Cindy, McGee, Vice President
Steve Lusky, Member
Neil McCauley, Member
David Blank, President
Robert Myers, Member
Peter Uhniat, Member

Staff & Professionals: Aaron J. Durso, Manager
Theodore Roth, Chief of Police
Terry Weiler, Solicitor
Brian Boyer, Engineer

Absent: Richard Happel, Member

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 Manager Durso.

Parks and Recreation Presentation

Parks and Recreation provided a presentation regarding the activities of Beautify Birdsboro Day.

Spotted Lantern Fly

John Baker from DCNR provided a presentation of all the aspects of the spotted lantern fly discussing the quarantine area, the reporting procedure, and how to take care of and dispose of the eggs found.

Dallas Data Systems

Jim Arms of Dallas Data Systems reviewed with Council Dallas Data System's commitment to community contests and noted that people can vote on-line and the first prize is a \$2,500 grant, and second prize is a \$1,500 grant, and third prize is a \$1,000 grant.

Public Comment

No public comment.

Minutes– April 17, 2017 Council Meeting

A **motion** was made by Councilman Lusky and seconded by Councilman McCauley to approve the April 17, 2017 Council Meeting minutes. Motion carried 6-0.

Bills List and Treasurer's Report

A **motion** was made by Councilman Uhniat and seconded by Councilman McCauley to approve the Bills List dated May 15, 2017 and Checks for Ratification dated April 18, 2017 – May 14, 2017. Motion carried 6-0.

A **motion** was made by Councilman McCauley and seconded by Councilman Myers to approve the Treasurer's Report dated May 15, 2017. Motion carried 6-0. Councilman Myers asked Manager Durso and Engineer Boyer about the MS4 costs and they explained additional costs this year in conjunction with the continued work on the annual permit.

Manager's Report

Boone Area Library Trustee Appointment – Kimberly Unger

A **motion** was made by Councilman Lusky and seconded by Vice President McGee to appoint Kimberly Unger as a Trustee of the Boone Area Library. Motion carried 6-0.

Recreation Board Member Appointment – Brenda Tucci

A **motion** was made by Councilman Lusky and seconded by Vice President McGee to appoint Brenda Tucci to the Recreation Board for the remainder of Tony Tucci's term which expires December 31, 2017. Motion carried 6-0.

Cable Franchise Public Hearing

Manager Durso informed Council that the progress for the cable franchise agreement is continuing to move forward and they would like to organize public hearings for multiple municipalities to cut down on costs instead of several hearings. A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to participate in multiple municipality hearings for the cable franchise agreement public hearing with notification of such hearings made to Council and the public. Motion carried 6-0.

RAWA Waterline Easements

Manager Durso and Solicitor Weiler explained the easements for RAWA to run the RAWA water line to the Birdsboro Power Project. Councilman Myers asked Mayor Peterson if he thought the Borough should obtain their own appraisal of the RAWA easements and Mayor Peterson noted that it would probably cost about \$1,500 for an appraisal and if the appraisal came in lower, the Borough would receive less for the easement as well as be out the \$1,500 for the appraisal cost and noted that he felt the appraisals offered seem fair. Councilman Lusky said that he believed the Borough should go with the current appraisals provided by RAWA. A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the RAWA easements for Tax Id Nos. 31534410256631 and 31534409252733. Motion carried 6-0.

Manager Durso informed Council that an Executive Session is needed to discuss the teamster's contract. Solicitor Weiler noted the Executive Session will be done at the end of the meeting.

Recycling Bid Review

Manager Durso provided Council with the recycling bid specifications. Council entered into a lengthy discussion regarding the recycling bids and President Blank stated that he felt the recycling should go to the Total Recycle facility and Councilman Myers stated that the bid documents should not determine where the recycling is taken. Councilman Lusky stated that the Borough has a legal right to determine where the recycling goes. Both Councilman McCauley and Councilman Uhniat stated that Council discussed this at length at a previous meeting and that the bid documents were prepared the way Council had asked. Councilman Lusky stated that he is okay to put the bid out the way it is. Councilman Uhniat then stated that it gives the contractors the opportunity to bid competitively. Councilman Lusky then reviewed the donations and projects that JP Mascaro has supported in the Borough of Birdsboro. Councilman Myers stated that JP Mascaro has been every generous to the Borough and its organizations and he doesn't believe JP Mascaro's donations and community support is connected to the recycling

bid expectations. If his facility is the cheapest to take the recycling then it should go there but the bids will determine that. Councilman Myers said he wants to be responsible to the taxpayers. President Blank agreed that the Borough should go with the most cost effective way. A **motion** was made by Councilman McCauley and seconded by Councilman Myers to put the recycling out to bid utilizing the specifications provided to Council. Motion carried 6-0.

Zoning Hearing Board

Manager Durso informed Council that the Zoning Hearing Board has a zoning hearing scheduled for May 22 for the variance request for the car museum and asked Council if they wanted him to go to the hearing to represent Council. Councilman McCauley asked how the area became zoned the way it was and Councilman Lusky explained the property issues that the VFW had and how the land being transferred will help the VFW and the VFW supports the project. Mayor Peterson explained to Council his historical recollections of the zoning of that area after the flood and he said that the Planning Commission supports the project and that the zoning variance needs to be granted before the Planning Commission can vote on the car museum final plan approval. Borough resident Mary Ann Cotter asked a question about the current zoning and Solicitor Weiler and Mayor Peterson answered the question and also stated that Birdsboro Power and VFW currently own the land where the car museum is proposed to go. MB Investments will be working out a land agreement and land transfers with the VFW. A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to authorize Manager Durso to attend the Zoning Hearing on May 22 for the car museum to represent Council and relay their support of the variance. Motion carried 6-0.

Engineer's Report

Engineer Boyer reviewed his monthly report with Council. Engineer Boyer reviewed the bids for the 2017 road project. The Borough received two bids: one bid from Asphalt Maintenance Solutions LLC and the other from Martin Paving Inc. Both came in at the price of \$80,428.80. Manager Durso noted that Martin Paving Inc. has done a good job in the Borough in the past. A **motion** was made by Councilman Lusky and seconded by Councilman Myers to accept Martin Paving, Inc.'s bid of \$80,428.80 for the 2017 road project. Motion carried 6-0.

Mayor/Police Reports

Chief Roth reviewed his monthly report with Council. Chief Roth discussed the stop sign at Windsor and the 25 mile an hour sign on Windsor Street. Solicitor Weiler was going to check the stop sign ordinance to see if Windsor Street was initially included in that. Chief Roth indicated that he would look at the ordinance as well. Chief Roth explained to Council an incident that involved the 2010 Dodge Charger and the parking lot light at Berks Elementary Center, noting the vehicle is at the Public Works Department and the insurance company will assess the damage.

Mayor Peterson reported that Chief Roth, himself, Berks County Commissioner Kevin Barnhardt, Union Township Manager Jason Weger, Union Township Supervisor Kennedy, State Police representatives and Daniel Boone School District representatives met at Daniel Boone High School to review an incident at the Daniel Boone High School that happened and the purpose of the meeting was to come up with a procedure for incidents that arise at Daniel Boone

High School which is located just outside the Borough border and is monitored by State Police. No current solution was brought forward.

Mayor Peterson announced that on June 18 there will be a Mayor's Music in the Park event at Rustic Park from 4:00 pm – 7:00 pm. Performers will be Delta Blues artist Tom Dun and a blues band which features Jerry Werner. Mayor Peterson is hoping there will be a large turnout and that it will introduce people to Rustic Park and its facilities.

Emergency Management

No new report.

Fire Department

The Fire Department Report was e-mailed to Council.

Solicitor's Report

Solicitor Weiler reviewed with Council his monthly activities and informed Council that the zoning ordinance may need to be amended to allow the use of medical marijuana and also noted that he has been working on the alcohol in the parks ordinance. Councilman Lusky asked if the alcohol in the parks ordinance could be advertised for action at the June 19 Council meeting. Vice President McGee asked Chief Roth asked his opinion of alcohol in the parks and he expressed concern regarding enforcement and Solicitor Weiler was asked his opinion and he stated that he always errs on the side of caution and he believes the risk of this could outweigh the reward. Mayor Peterson stated that there has been a decline in the rental of the pavilions since alcohol was eliminated from use at Rustic Park. He also stated that there is no history of any alcohol related problems at the park when alcohol was allowed at the pavilions. Vice President McGee stated that this ordinance would allow programs at the park to be expanded and stated that she drafted this ordinance with Solicitor Weiler at the suggestion of the Recreation Board and she felt that if the insurance waivers were followed the Borough would not have a liability. Mayor Peterson indicated that the current revenues do not cover the cost of the maintenance. Councilman Lusky asked Solicitor Weiler if the Borough has ever been sued and Solicitor Weiler noted not to his knowledge. Councilman Myers asked if there is enforcement issues with alcohol in the park and Chief Roth said that most enforcement comes after hours and when people see the police coming they throw the alcohol away before the police get there. Councilman Myers then asked Vice President McGee why alcohol was regulated to just certain pavilions and Vice President McGee said that they were trying to keep it to two pavilions so they could avoid conflicts, i.e., keep parties away from church picnics. Vice President McGee said that a signed contract and liability insurance will need to be provided prior to confirmation of a reservation. Councilman Myers asked why alcohol rentals couldn't just be controlled administratively and not restricted to certain pavilions and Manager Durso stated that it would be hard to control administratively because people call and start booking pavilions and some specifically request pavilions 3 and 4 and if the Borough held them for events with alcohol, revenues could be lost. A **motion** was made by Councilman Lusky and seconded by Vice President McGee to advertise the alcohol in the parks ordinance. 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 noted that the Duck Derby and Street Fair are posted on the PA Americana website.

Councilman Lusky - Councilman Lusky noted that Birdsboro Power is moving forward. Chief Roth stated that the Birdsboro Police Department had been called to the Birdsboro Power site to make an arrest.

Councilman Myers - Councilman Myers noted that in November 2016 Pennsylvania enacted legislation that would allow municipalities to adopt an ordinance to provide tax relief incentives for people to join and be active participants in the volunteer fire company. Councilman Myers contacted the author of the article and stated that Hemsworth Borough has passed an ordinance and that Councilman Myers was going to take the ordinance to the Fire Advisory Committee to review. Councilman McCauley stated his concern that this ordinance essentially creates a paid fire department because tax relief comes out of tax dollars so in a roundabout way creating a paid fire department.

Vice President McGee – Vice President McGee stated that the Duck Derby and Street Fair was rescheduled to May 21 from 12:00 pm -5:00 pm

Vice President McGee stated that Borough Council meeting only once a month has not been working and suggested Council go back to two regular meetings a month starting in September. Manager Durso stated that budget meetings for the first Monday of the month have already been advertised for the months of October and November in anticipation of the extra budget work. A **motion** was made by Vice President McGee and seconded by Councilman Lusky to go back to two meetings a month beginning in September and have the summer schedule for June, July and August remain the third Monday only. Motion carried 6-0.

Public Comment on Non Agenda Items
No public comment.

ADJOURNMENT: The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Aaron Durso
Borough Secretary