



Manager Durso stated that the recycling bids have been received and Solicitor Weiler reviewed the bid document and determined that the bid documents are in order and Council can take a vote to award the bid.

Manager Durso asked if any of the representatives from the companies that submitted bids were present and Al DeGennaro of JP Mascaro and Sons was present and gave an overview of his company's submission of the bid specifications, explaining JP Mascaro's recycling program and handed out samples of pamphlets the company will mail to all residents if they would be awarded the bid. Mr. DeGennaro explained that the Borough's reported tonnage numbers seemed to be low for a Borough of its size and believes that with the JP Mascaro educational programs they will do at the schools, the mailers to the Borough residents as well as flyers posted at public places he believes the tonnage can improve. Mr. DeGennaro provided an overview of the Total Recycle facility that they just built and how it performs. He explained the fleet of vehicles they have and how they would deal with issues that arise like vehicle breakdowns and bad weather. President Blank then asked how do you get people to recycle more and Mr. DeGennaro explained that they have seen increases due to the education process and the more residents know they can recycle the more they do recycle. Councilman Lusky asked questions about the flyer and it was noted that the flyers and educational program costs are covered by JP Mascaro. Mayor Peterson then talked to Council about when he took a tour of the Total Recycle facility and noted that he was impressed by the facility and how it operates then asked Mr. DeGennaro if the Borough would go with JP Mascaro and Sons with the recycling bids would JP Mascaro be open to have an educational open house for borough residents. Mr. DeGennaro said that he would run that by the company to see if that was an option. Councilman Myers then asked what the increase in pounds per week could be? Mr. DeGennaro read off a list of municipalities the size of Birdsboro and what their current tonnage collected is. Councilman Myers asked that if there were an increase in recycling, how would that impact the bid amount? Mr. DeGennaro replied that the bid amount would not change. Councilman Happel asked how they calculate the amount of pounds a household produces in recycling? Mr. DeGennaro said that they use a very basic calculation which is the amount of houses divided by the tonnage, some will be more and some will be less. Councilman Uhniat stated that he did an analysis if the Borough tonnage went up and how much a rebate the Borough would receive and reviewed that information with Council. Vice President McGee asked how do we increase the businesses in the community recycling? Mr. DeGennaro said that the recycling bid is just for residential but JP Mascaro is fine with distributing the recycling educational information to all the local businesses in the Borough. After a brief discussion on the recycling bids from Eagle Disposal and Advanced Disposal a **motion** was made by Councilman Lusky and seconded by Councilman Happel to award the Single Stream Recycling Program for 2018/2019/2020 to JP Mascaro and Sons for the total contract amount of \$145,716.00. Motion carried 7-0.

#### Birdsboro Borough/Birdsboro Municipal Authority Agreement

Manager Durso and Solicitor Weiler discussed with Council the agreement between Borough of Birdsboro ("the Borough") and the Birdsboro Municipal Authority ("BMA") containing the breakdown of the yearly payment the Borough will receive from Birdsboro Power once the plant is open and operational. Solicitor Weiler reviewed with Council the agreement and noted this has been discussed prior to Council signing the Host Agreement with Birdsboro Power. A

**motion** was made by Councilman Lusky and seconded by Councilman Uhniat to execute the agreement between Birdsboro Borough and the Birdsboro Municipal Authority regarding the yearly payments the Borough will receive from Birdsboro Power once the power plant is operational. Council entered into discussion and Councilman Myers asked why the three-year agreement breakdown of the payments between the Borough and BMA came about. Manager Durso explained that the three years was discussed and is in the current agreement because the BMA will have 3 years of sewer revenue data and at the end of three-year period the BMA and the Borough can reevaluate the distribution of those fees. Councilman Myers then asked Council since the payment is made to the Borough shouldn't the Borough make the decision how the fees are to be broken down. Mayor Peterson explained that this current agreement has been previously discussed with Borough Council and the BMA so there has been no changes since the Host Agreement was signed. Motion carried 7-0.

#### MS4 Update

Manager Durso explained the MS4 Program's purpose and intent to Borough Council and the public. He then explained measures the community and the Borough can take to continue to reduce their stormwater runoff. He then explained how every municipality's stormwater runoff affects the municipalities located downstream. Manager Durso also explained the negative environmental impacts stormwater runoff can have on local streams and rivers. Manager Durso told Council that he and Engineer Boyer attended the quarterly Berks County MS4 Consortium meetings and last year they attended an all-day training on MS4 that the PADEP hosted.

#### Executive Session – Contract Discussion

Manager Durso asked Council if they wanted to have an Executive Session to discuss the ongoing negotiations of the police contract. Solicitor Weiler and President Blank stated that should be done at the end of the meeting.

#### Engineer's Report

Engineer Boyer reviewed his monthly report with Council. Engineer Boyer noted he continues to work with Manager Durso to implement the steps necessary to stay in compliance with the MS4 permitting process.

#### Mayor/Police Reports

Chief Roth reviewed his monthly report with Council. Chief Roth discussed some of the criminal activity that happened in the Borough and stated that the Borough surveillance cameras captured someone stealing planters from the Birdsboro Community Center across the street. The person returned the planters and resigned as an employee from the Community Center. The Birdsboro Woman's Club gave a \$1,000 donation to the Birdsboro Police Department and Chief Roth said they will be using that money to put towards buying new raincoats with safety green reflectors for the police officers.

Chief Roth reported himself, Mayor Peterson, Berks County Commissioner Kevin Barnhardt, Union Township Manager Jason Wager, 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. 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. Chief Roth stated that he feels that the situations at Daniel Boone High School will be treated as status quo by the Pennsylvania State Police. Mayor Peterson then went into a lengthy review with Council of his comments and concerns of potential dangerous situation at Daniel Boone High School are handled by the State Police. Mayor Peterson then said that he made a statement to the Union Township Supervisor that the Borough and Union Township should discuss creating a regional police department if there is interest. Councilman McCauley and Councilman Lusky asked Chief Roth questions about his report and Chief Roth answered the questions.

Mayor Peterson gave Council an update on the Mayor's Concert in the Park and stated that the Borough may want to get a physical address for Rustic Park so people can use GPS. Mayor Peterson noted he was encouraged by the turnout for the first event and looks forward to doing another concert. Vice President McGee thanked Mayor Peterson for hosting the first concert in the park and noted the Parks and Recreation Board may want to do a similar event and they appreciate Mayor Peterson stepping forward and hosting the event.

### **Emergency Management**

No new report.

### **Fire Department**

The Fire Department Report was e-mailed to Council. Birdsboro-Union Fire Department ("BUFD") Fire Chief Scott Kulp reviewed his monthly report with Council and Mayor Peterson asked Chief Kulp how the 911 center designates which department gets called when a fire call goes out. Chief Kulp explained the process on how Berks County 911 dispatches departments when fires are reported and then explained how the mutual aid works between municipalities when a large fire occurs. Councilman Myers reported that the Fire Advisory Board, Union Township and Birdsboro Borough met and a topic discussed was the funding and the breakdowns that each municipality pays. Councilman Myers gave a breakdown of what each municipality pays under the current funding formula and noted that the Borough needs to contribute more to cover our percentage of the budget. Councilman Myers explained that with some deductions made from the BUFD project not happening the Borough would have to make an extra payment of \$5,233 to the BUFD and asked whether the Borough should forgive that amount from the current loan that BUFD is paying back for equipment repair. Councilman McCauley asked if Union Township did overpay and both Manager Durso and Councilman Myers explained the current pay breakdown and that the way the breakdown is Union Township did make overpayments to the BUFD. Councilman Happel then stated that he did not believe that the breakdown is fair between the two municipalities. Councilman Lusky stated that the Borough and Union Township entered into this agreement back on 2009. Councilman Happel then asked how long the agreement was for and Councilman Myers explained that the committee discussed reevaluating the portion of the agreement which addressed municipal percentage payments and this will happen at a later date. Councilman Happel then asked what would happen if the Borough would opt out of the agreement? Manager Durso explained that prior to this agreement the BUFD is the primary fire department for Union Township and the BUFD would be dispatched to fire calls and at that time would receive minimal contributions from

Union Township. Under this agreement BUFD now receives funding from Union Township that was not received prior to the agreement. Councilman Happel asked Chief Kulp for a breakdown of members from each township that are part of the BUFD and Chief Kulp provided the breakdown from each municipality. Councilman Myers stated that one of the positive things that came out of the Fire Advisory Board meeting was that BUFD will now be submitting their monthly **pending** expenditures to both the Borough and Union Township managers to review. A **motion** was made by Councilman McCauley and seconded by Councilman Myers to take \$5,233 from Harms Benefit to make up the Borough's funding deficiency for 2017. Vice President McGee then asked if Union Township was taking care of their amount and Councilman Myers explained that Union Township had adjusted their payment to match the current percentage in the agreement. Councilman Lusky asked Chief Kulp if BUFD can absorb the \$5,233 until December and Chief Kulp said no because it impacts their operating budget. Councilman Uhniat and Vice President McGee said that they would like to review this again during the budget process and if Chief Kulp has any more information at the time regarding the BUFD budget his input would be welcome. Councilman McCauley then asked if this is an annual number that the Borough would have to increase their payment or just a one time and Manager Durso stated it would be an annual payment. Motion carried 7-0.

### **Solicitor's Report**

Solicitor Weiler reviewed with Council his monthly activities and informed Council that they have reviewed the alcohol in the park ordinance and it is now ready for vote. A motion was made by Councilman Lusky and seconded by Vice President McGee to adopt Ordinance No. 467 amending the parks ordinance to allow alcohol in parks. Councilman Myers asked if the hold harmless would relieve the Borough of any liability relating to an incident stemming from an event in the park that served alcohol? Solicitor Weiler said that anybody can sue anybody and that can't be controlled but he feels the indemnification and hold harmless agreements the parties have to sign does protect the Borough from a lawsuit. He stated that this ordinance requires people to get a separate insurance policy in order to have alcohol at their party and this is more for larger events like concerts in the park or weddings. Vice President McGee then explained the buffer policies and how they are designed to protect the Borough for potential lawsuits. Councilman Myers then asked Solicitor Weiler his opinion on the ordinance and Solicitor Weiler stated that the risk is always there. You can be sued for anything and he said the ordinance has a hold harmless agreement which he feels are very good. Council needs to determine if the potential risk is worth the potential reward in what the Borough would like to start doing down in the park. Mayor Peterson stated that it is different than a bar providing alcohol to someone and being liable and said the Borough is not supplying the alcohol. Councilman Happel discussed the parks and noted the rentals have increased even though alcohol has been banned in the park for the last several years. Vice President stated that the purpose of this ordinance is to open up the park to be used for cultural events. Councilman Lusky then stated that he would like to call the vote as Council has discussed this for several months now. Councilman Happel asked how many people would be able to rent a pavilion under the conditions provided in the ordinance? Solicitor Weiler reiterated that the conditions are in the ordinance requiring people to have a separate insurance policy and the hold harmless agreement. The average family renting a pavilion is not going to that expense to have alcohol. Councilman Myers asked Chief Roth his opinion of allowing alcohol in the park and Chief Roth noted that there will be enforcement

difficulties because the guest can get comingled between pavilions allowing alcohol and those not allowing alcohol. President Blank then asked Manager Durso to take a roll call vote.

Councilman Lusky – yes

Councilman Uhniat – yes

Councilman Blank – yes

Vice President McGee – yes

Councilman Happel – no

Councilman Myers – no

Councilman McCauley – no

Motion carried 4-3.

Solicitor Weiler stated that Council needs a motion to advertise the stop sign ordinance that has the amendments that add the intersections of Windsor Street and Cocalico Road. A **motion** was made by Councilman Uhniat and seconded by Councilman McCauley to authorize the advertising of the ordinance adding the intersection of Windsor Street and Cocalico Road.

Motion carried 7-0.

Councilman Myers asked Solicitor Weiler the status of the medical marijuana ordinance?

Solicitor Weiler stated he is reviewing ordinances from other municipalities and will work on the ordinance to make it pertinent to Birdsboro. He noted a public hearing will be needed as it will require a zoning amendment.

### **Municipal Services / Department Reports**

**Water Department:** Report provided.

**Wastewater Treatment Plant:** Report provided.

**Streets Department:** Report provided.

### **Council/Committee Reports**

**Councilman Uhniat** – Councilman Uhniat informed Council that advertised the Mayor’s Music in the Park event on the PA Americana website calendar.

**Councilman McCauley** – Councilman McCauley asked Manager Durso the status of the high grass issue at 100 Carriage Drive? Manager Durso stated that the owner will be cited shortly. Councilman McCauley stated that he would like Borough staff to cut the grass and Manager Durso stated that if that was done the Borough cannot cite the owner but they could place a lien on the property.

**Councilman Myers** - Councilman Myers informed Council that the Rotary Club’s Halloween Parade will be October 19 with a rain date of October 26. A **motion** was made by Mr. McCauley and seconded by Vice President McGee to approve the Rotary Club Halloween Parade to be held October 19 with a rain date of October 26. Motion carried 7-0. Councilman will post the parade on the PA Americana website calendar.

**Vice President McGee** – Vice President McGee stated thanked Mayor Peterson for the Music in the Park event and noted that Parks and Recreation will be planning a similar event. Vice President McGee will be working with the American Legion to do a Veteran’s event in the fall.

**President Blank** – President Blank informed Council that the old paver, a trailer, a roller, and a tractor will be placed on Municibid for sale. President Blank informed Council that the two alleys were blacktopped utilizing funds from Birdsboro Power and the residents thanked the Borough. President Blank then noted concern of the number of trash haulers (potentially 13) collecting trash in the Borough and causing damage on the Borough roads. Councilman Lusky stated the only way to deter the smaller haulers is to require the haulers to carry a hefty insurance policy as well as require them to take their trash to Pioneer Land Crossing. The other option is to have municipal trash which is not an option that has been well received by the residents.

Mayor Peterson said there is a representative from Mountz Disposal present and it was suggested that conversation be had with Mountz Disposal to determine some options for decreasing the damage to the Borough road by trash haulers.

Council recessed into Executive Session at 10:10 p.m. and reconvened at 10:45 p.m. Solicitor Weiler gave an overview of the Executive Session and noted that Council met to discuss the ongoing Police Contract as the current contract is due to expire December 31, 2017. Council instructed Manager Durso to circulate some dates to that Council have a special meeting where they can immediately recess into Executive Session to discuss the Police Contract.

Public Comment on Non Agenda Items

No public comment.

**ADJOURNMENT: The meeting adjourned at 10:50 p.m.**

Respectfully submitted,

Aaron Durso  
Borough Secretary