

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
JULY 17, 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
Richard Happel, 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.

Opening prayer was led by Councilman Lusky.

Chief Roth and Officer Reinhart relayed the case of a youth who turned in a wallet containing money to the Police Department. When the wallet was not claimed Chief Roth asked the Berks County District Attorney how to handle the situation. The District Attorney responded the money may be given to the young man. Chief Roth and Officer Reinhart commended the young man, Gavin, Kreinendahl for his honesty.

Public Comment

Resident, Jonathan Barnes, spoke to Council about Vernon Kulp, Sr. who had recently passed away and talked about Mr. Kulp's life and noted he was a WWII veteran.

Councilman Lusky presented a Powerpoint presentation which covered research that he had compiled regarding trash trucks and their impact on local roads. The presentation included landfills, requirements and the potential hazards for landfills that do not meet State and Federal environmental standards. Councilman Lusky presented options for the Borough to help regulate the amount of trash trucks that come into the Borough. Councilman Lusky was not proposing municipal trash but stated that all trash haulers should be required to carry the same insurance that the Borough recycling contractor carries. Councilman Lusky also proposed that all the haulers take the Borough's trash to Pioneer Crossing Landfill as it has an exceptional environmental record and the Borough would receive a tonnage fee from Pioneer Crossing Landfill. After the presentation Councilman Lusky asked if there are any comments from the residents present and Borough resident, Jonathan Barnes, asked Councilman Lusky a question about the Western Berks Landfill and Mr. Lusky answered the question to the best of his knowledge. Jeff Kauffman asked Councilman Lusky what is the cost for haulers to take their trash to Pioneer Crossing Landfill. Councilman Lusky explained the costs and Mr. Kauffman then asked if it would cost more to take it to Pioneer Crossing for the haulers. Councilman Lusky said that would have to be determined by the individual haulers as they know their costs and overhead. Councilman Lusky mentioned to Borough Council that there is a waste hauler coming into the Borough that is not a local hauler and is believed to be using unethical practices to obtain customers. Lindsey Hahn who works for a local hauler stated that she felt what Councilman Lusky was proposing would help protect the local haulers and the communities they service. President Blank stated that the Borough needs to do something because all the trash

companies that are coming into the Borough and doing damage to the neighborhood streets not necessarily the main arteries. The Borough's worked hard over the last five years to make road improvements and will continue to do so but repairing roads is not cheap. Borough resident, Jim McGee, discussed with Council the condition of the alley that runs behind his house. Mayor Peterson mentioned another option is for the Borough to only allow one-day a week pick up for all households. Vice President McGee stated that she felt that the insurance requirements are necessary to make sure the Borough is protected from any liabilities. Resident, Don Wary, asked if it could be put in the ordinance to regulate the time that trash trucks pick up trash because some of the trucks are coming into the Borough at 4:00 a.m. Councilman Myers asked Councilman Lusky if he had a breakdown of the trash haulers that come into the community and Councilman Lusky stated that the estimated number of haulers is 11. Councilman Myers asked Councilman Lusky if he had spoken to other haulers or just the one hauler and Councilman Lusky stated he spoke to the one hauler to review the presentation and get their opinion if the numbers in the studies were accurate. Councilman Lusky then stated that he spoke to Pioneer Crossing Landfill and J.P. Mascaro to verify if those numbers were accurate. Mayor Peterson asked if the Borough should bring other haulers into the discussion and Councilman Lusky said other haulers are free to come to the August Council meeting to discuss. Solicitor Weiler stated that in order for the Borough to regulate the insurance the Borough may also want the companies to provide vehicle registrations and set forth time requirements and performance requirements. Councilman Lusky then stated that he would like to make a motion to authorize Solicitor Weiler to prepare an insurance ordinance that trash haulers will have to follow in the Borough as well as implementing other comments regarding registration, time and performance requirements and a second ordinance that all trash collected from the Borough be required to be taken to Pioneer Crossing Landfill.

Councilman Myers asked why is Council rushing the preparation of these ordinances and shouldn't Council discuss the matter with the other local haulers? Councilman Happel asked if this is the way other communities handle the trash service and Solicitor Weiler said he is not sure what all the local municipalities do but he is sure it varies throughout the County. Solicitor Weiler said he would look at other ordinances that have been adopted in other municipalities.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to authorize Solicitor Weiler to prepare an ordinance for review at the August meeting that would have the trash haulers that come into the Borough meet all insurance requirements that are in the recycling specifications and also have performance and time requirements for the haulers to collect trash. President Blank called for a roll call vote.

Councilman Happel - no
Councilman Lusky - yes
Councilman McCauley - yes
Councilman Myers - no
Vice President McGee - yes
President Blank - yes
Councilman Uhniat - yes

Motion carried 5-2.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to authorize Solicitor Weiler to prepare an ordinance for review at the August meeting that would require all trash collected from Birdsboro Borough be taken to Pioneer Crossing Landfill.

President Blank called for a roll call vote.

Councilman Happel - no
Councilman Lusky – yes
Councilman McCauley – no
Councilman Myers – no
Vice President McGee - yes
President Blank – yes
Councilman Uhniat - yes

Motion carried 4-3.

Minutes– June 19, 2017 Council Meeting

A **motion** was made by Councilman McCauley and seconded by Councilman Happel to approve the June 19, 2017 Council Meeting minutes. Motion carried 7-0.

Bills List and Treasurer’s Report

A **motion** was made by Councilman McCauley and seconded by Vice President McGee to approve the Bills List dated July 17, 2017 and Checks for Ratification dated June 20, 2017 – July 16, 2017. Motion carried 7-0.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the Treasurer’s Report dated July 17, 2017. Motion carried 7-0. Councilman Myers asked Manager Durso questions regarding Other Revenue under the Parks and Recreation line item and Manager Durso answered that it was a donation from Keiwit to cover the cost of the duck race prizes.

Manager’s Report

2017 Road Project Update

Manager Durso provided an update of the 2017 Road Project. Manager Durso and Engineer Boyer met with Martin Paving to review the process and dates that the work would occur and Manager Durso stated that the Borough will hand out letters to all the residents located on those roads and Martin Paving will be posting signs as well.

Phone Booth

Councilman Happel asked Manager Durso if the American Legion had reached out to him regarding the phone booth located at the Public Works Department. Manager Durso stated that a member of the American Legion is interested in purchasing the old phone booth from the Borough. Councilman McCauley went on a local auction site and looked at the range that these types of phone booths are selling for. No decision was made by Council.

Engineer's Report

Engineer Boyer reviewed his monthly report with Council. Engineer Boyer mentioned that in order to stay compliant with the different permit requirements for the Borough MS4 permit the Borough would need to adopt an ordinance for illicit discharge and detection. Engineer Boyer stated he would share with Solicitor Weiler a few of the ordinances that some of the municipalities have already passed. A **motion** was made to Councilman Uhniat and seconded by Councilman Happel to authorize Solicitor Weiler to draft an illicit discharge ordinance for the MS4 program for review at the August meeting. Motion passed 7-0.

Mayor/Police Reports

Chief Roth reviewed his monthly report with Council. Chief Roth informed Council and the residents of the telephone IRS scam and urged Borough residents that if they believe they are being contacted by the IRS they would be sent a letter in the mail and not receive a phone call with a the ruse of being required to go to Walmart for a gift card.

Emergency Management

No new report.

Fire Department

Report e-mail to Council.

Solicitor's Report

Solicitor Weiler reviewed his monthly activities with Council. Solicitor Weiler notified Council that the Borough was named in a lawsuit regarding a vehicle accident that happened on Route 724 and Solicitor Weiler stated that PennDot was also named in the suit and that is the standard when someone is injured in an accident on a State road. The Borough's liability insurance carrier has been notified and is handling the claim. Solicitor Weiler also stated that he is still working on the medical marijuana ordinance but since all the permits were handed out by the State and none were issued in the Borough of Birdsboro, the Borough has time to continue to work on this ordinance.

Municipal Services / Department Reports

Water Department: Report provided.

Wastewater Treatment Plant: Report provided.

Streets Department: Report provided.

Council/Committee Reports

Councilman Uhniat – Councilman Uhniat gave Borough council and update on PA Americana and said that there were some personnel changes and he has had discussions with the new personnel and continues to advertise Borough events on the PA Americana website.

Councilman Myers - Councilman Myers asked Solicitor Weiler and Manager Durso if they had any updates on the Motta property issue with the Berks County Redevelopment Authority. Solicitor Weiler stated that Motta had asked for an explanation from the court and the judge granted a 90-day extension so that explanation can be presented. Manager Durso stated that he would follow up with Solicitor Joan London who has been representing the Berks County Redevelopment Authority on this matter.

Councilman Happel – Councilman Happel asked President Blank the status of the new Borough Hall sign and President Blank explained to Councilman Happel where he is at with that process.

Councilman Lusky – Councilman Lusky discussed with Council the Christmas in Birdsboro event and the potential for the Borough to allocate more funds. Councilman Lusky stated that the Borough will continue to try to raise the donations but it is never a guarantee they will raise the money. Councilman Lusky noted that the current amount in the budget is \$18,800 from the Harms Benefit but said an extra \$20,000 would cover the cost of the ice sculptures and slides for a total of \$38,800. Councilman Myers stated that this should have been brought up when the 2017 budget was discussed. Councilman Happel asked Chief Roth how much a new police vehicle would cost and Chief Roth stated that a Ford Explorer would cost roughly around \$37,000.

Vice President McGee – Vice President McGee stated that the Recreation Board is having a music in the parks event on August 20 and the Fabulous Greaseband will be performing. J.P. Mascaro has donated monies to cover the cost of the band. A **motion** was made by Councilman Lusky and seconded by Vice President McGee to pay the down payment to the band and lock in the date with the amount not to exceed \$1,500. Motion carried 7-0.

President Blank - President Blank read an invitation to Borough council to attend the celebration on July 23 for the Mission Trip Birdsboro volunteers.

Public Comment on Non Agenda Items

No public comment.

ADJOURNMENT: The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Aaron Durso
Borough Secretary