

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
AUGUST 21, 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 Rich Bowden.

Mission Trip Birdsboro

Rich Bowden presented an overview of this year's Mission Trip Birdsboro and noted the event was a success. Mr. Bowden reviewed the projects and provided pictures of such. Council and those in the audience applauded the organizations involved in Mission Trip Birdsboro and their continued contributions to the community. Council asked Mr. Bowden if all the costs for Mission Trip Birdsboro are covered and Mr. Bowden noted they were able to raise a lot of funds but there are still some costs that were not covered. A **motion** was made by Vice President McGee and seconded by Councilman Lusky to donate \$500.00 from Harms Benefit – Other Contributions line item to Mission Trip Birdsboro. The motion carried 7-0.

Trash and Disposal Ordinances

Council entered into discussion regarding the proposed draft trash and disposal ordinances. Councilman Happel asked Councilman Lusky why he is contradicting himself on the street damage when Councilman Lusky was initially for municipal trash with only one trash hauler. Councilman Lusky explained that municipal trash is not popular in Birdsboro and that he came up with these two ordinances as a compromise. Councilman McCauley informed Solicitor Weiler that there were typographical errors in the draft ordinances and he will e-mail them to Solicitor Weiler. Councilman McCauley asked about provisions for yard waste and asked a question about Section 5.e on Page 5 about trash can size and Solicitor Weiler answered the question. Councilman McCauley asked a question about bed bud containers for mattresses. Councilman Myers asked a question about the rules and regulations imposed on haulers and how they will be enforced. President Blank and Councilman Lusky discussed the rules and regulations as well as collection times and insurance requirements. Councilman Myers asked if the rules and regulations will increase the cost for haulers. Councilman Myers stated that since we already have a trash hauling ordinance he would like to postpone the vote and look at the existing ordinance and create one ordinance. Solicitor Weiler stated that he looked at the existing ordinance as well as other local ordinances and he explained the need to update the ordinance. Councilman Lusky asked Solicitor Weiler if the new ordinance would replace the old one and Solicitor Weiler noted that it would. Solicitor Weiler stated that with all the discussions and review of these ordinances that he would be comfortable advertising them for adoption at the September 18th Council meeting. Vice President McGee stated that she likes that the ordinance

requires worker's compensation insurance. Pat Mascaro of J.P. Mascaro and Sons explained how worker's compensation insurance works for trash haulers. President Blank opened up discussion to the haulers in attendance. Mr. Crowley of Republic Services stated that the ordinance would limit them as it would cost the customers more. Mayor Peterson asked Mr. Crowley if Republic Services has its own landfill and Mr. Crowley stated yes. Mayor Peterson explained the benefits of the monies that would be provided to the Harms Benefits Fund. Keith Kemp of Kemp Disposal asked questions regarding the tonnage fees at Pioneer Crossing Landfill. Borough resident, Nancy Kauffman, asked if there will be fines for people who let their trash sit outside for a long time and Mayor Peterson said that when the Borough receives these kinds of complaints the properties are inspected and proper action is taken. Mrs. Kaufmann asked how the Borough would enforce some of the regulations and she noted since the Borough Manager does not drive he would not be able to check for violations. Mayor Peterson stated that Chief Roth and Manager Durso drive around the Borough to allow for investigation of violation matters. Manager Durso stated he did not appreciate Mrs. Kauffman's statement about his inability to drive due to a disability and felt it was a cheap shot and uncalled for. Mr. Mascaro stated that the ordinance is good for the safety and sanitation of the Borough and then answered questions about the tonnage fees at Pioneer Crossing Landfill and noted that haulers have to drive further away to dump their trash and that can cause higher transportation costs and employee wages. Mr. Mascaro said he did an analysis of the operation costs and it is cheaper to go to Pioneer Crossing Landfill. Mr. Myers asked Mr. Mascaro how much he charges per ton at Pioneer Crossing Landfill and Mr. Mascaro said \$75 per ton. Councilman Lusky asked Mr. Mascaro how many municipalities do they contract with to take their refuse to Pioneer Crossing Landfill and Mr. Mascaro noted that they have contracts with five municipalities. Mr. Mascaro stressed the need for landfills to be maintained in accordance with environmental regulations and said that Pioneer Crossing Landfill takes that very seriously. Councilman Lusky asked Bill Fox, Chief Council for J.P. Mascaro, about the law and landfills being required to pay fees to the host community. It was noted that even though Pioneer Crossing Landfill is not located in the Borough, J.P. Mascaro still provides Harms Benefits monies to the Borough in addition to other community organizations he supports in the Borough. Borough resident, Mary Ann Cotter, thanked Mr. Mascaro for all he does for the community and asked Mr. Mascaro how long the tonnage price would be guaranteed to the haulers and asked if there would be individual contracts between the haulers and Pioneer Crossing Landfill. Mr. Mascaro answered all of Mrs. Cotter's questions. Mrs. Cotter noted the recycling cans being left in the street and felt they are a traffic hazard and Manager Durso stated that the recycling contractor will be contacted. Lindsey Hahn of Mountz Disposal stated that even though costs may increase it does not mean that the cost would increase for the residents. Borough resident, Anthony Scioli, said that this is an important issue and believed Borough Council should hold off and let the next Council make the decision.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhnat to advertise the ordinance to designate, under Act 101, Pioneer Crossing Landfill as the landfill designated by the Borough of Birdsboro for haulers to take the Borough's trash with the minor corrections to be made by Solicitor Weiler. Councilman Myers asked how the ordinance would be enforced and Councilman Lusky asked Mr. Fox if Pioneer Crossing Landfill keeps dumping and tonnage amount records and Mr. Fox stated that records will be kept on all haulers how much tonnage

they bring to Pioneer Crossing Landfill. Councilman Myers said he asked an Exeter official why they don't have this type of ordinance and he noted that the Exeter official said they felt it flies in the face of free market. Councilman McCauley stated he did not feel that this ordinance would save the residents money on their trash collection. Borough resident, Jeff Kauffman, stated haulers have chosen to not take their trash to Pioneer Crossing Landfill and to take to another landfill because it is more cost effective. Councilman Myers stated that it is not rightfully our business to dictate to the businesses of our community how they should go about running their business.

President Blank called for a roll call vote.

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

Motion carried 4-3.

Councilman Lusky read a letter thanking Mr. Mascaro for his donation toward the Friendship Fire Company roof repair.

Public Comment

Minutes– July 17, 2017 Council Meeting

A **motion** was made by Councilman Lusky and seconded by Councilman Happel to approve the July 17, 2017 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 August 21, 2017 and Checks for Ratification dated July 18, 2017 – August 20, 2017. Motion carried 7-0. Councilman Happel asked Chief Roth about the bill for the rain coats and Chief Roth noted that the bill was for rain coats for all seven police officers and a donation from the Woman's Club of Birdsboro covered almost the whole bill.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the Treasurer's Report dated August 21, 2017. Motion carried 7-0.

Manager's Report

2017 Road Project Update

Manager Durso provided an update of the 2017 Road Project and stated that Martin Paving will be back the week of August 21 to do the final seal coating.

Birdsboro Elementary Center

Manager Durso stated that Daniel Boone Area School District will be voting on the closing of Birdsboro Elementary Center on August 28.

MS4 Illicit Discharge Ordinance

A **motion** was made by Councilman Lusky and seconded by Councilman Happel to advertise the MS4 Illicit Discharge Ordinance adoption and public hearing for the MS4 Permit plan for the September 18 Council meeting. Motion carried 7-0.

Budget Workshops

Manager Durso reminded Council of the budget workshops September – November at 6:00 p.m.

Volunteer Coaching Approval for Cross Country Season

Manager Durso asked for permission to be a volunteer coach for Daniel Boone Cross Country for the 2017 season. Councilman Happel expressed his concerns of Manager Durso already doing a lot as Borough Manager as well as managing Birdsboro Fitness and Splash and wondered if Manager Durso has time to coach as well.

A **motion** was made by Councilman Lusky and seconded by Vice President McGee to allow Manager Durso to coach for Daniel Boone Cross Country for the 2017 season. Motion carried 7-0.

Haycreek Bridge Grant Update

Manager Durso stated that the amendment to the Haycreek Bridge Grant was denied by the DCNR and the Haycreek Watershed Association can continue to move forward with the walking bridge.

Birdsboro Power

Manager Durso reviewed an agreement between Birdsboro Borough and Birdsboro Power. Since the Pioneer Crossing Landfill tonnage fees for the Birdsboro Power project are less than what was originally estimated, to make up for the difference Birdsboro Power will provide \$180,000 with \$80,000 being distributed and the other \$100,000 being given to the Borough when the power plant comes on line in June 2019. Manager Durso stated that Birdsboro Power is giving \$20,000 to Friendship Fire Company to help cover the cost of the roof repair and Kiewit is donating \$10,000 for the roof repair along with a donation from J. P. Mascaró. A **motion** was made Councilman Uhnat and seconded by Councilman Lusky to authorize President Blank to execute the agreement for the additional \$180,000 from Birdsboro Power. Motion carried 7-0.

Sewage Facilities Planning Module Exemption Mailer – 503 Farmer Street

A **motion** was made by Councilman Happel and seconded by Councilman Myers to authorize signature of the Sewage Facilities Planning Module Exemption Mailer for 503 Farmer Street and forward to the PADEP. Motion carried 7-0.

InR Advisors

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve Resolution No. 2017-21 to have InR Advisors provide consulting services for the investment of 457 and DROP assets for the Borough of Birdsboro employees. Motion carried 7-0.

Engineer's Report

Engineer Boyer reviewed his monthly report with Council. Engineer Boyer stated that the Borough would need to consider granting an extension on the land development plan of 90 days to MB Investments for the Car Museum project. Engineer Boyer and Mayor Peterson both informed Council that there will be a Planning Commission on Tuesday August 29 and the Car Museum final plan will be discussed. A **motion** was made by Councilman Lusky and seconded by Councilman Myers to grant MB Investments a 90-day extension on the Car Museum land development plan. Motion carried 7-0.

Mayor/Police Reports

Mayor Peterson brought up with Council the option that the Borough could potentially do a five year lease on the purchase of a new police vehicle. Councilman Lusky stated that the Borough did say that during budget talks last year that they would buy a car for the Police Department if the Borough came into some extra funding. Discussion continued and no action was taken.

Chief Roth reviewed his monthly report with Council. Chief Roth informed Council that Officer Kasopsky completed his probationary period and he is doing an excellent job. Chief Roth reviewed a phone service proposal from Service Electric that was worked on by himself and Administrative Assistant, Bonnie Frisco, and noted the proposal offers cost savings to the Borough. Councilman Myers asked how accurate Chief Roth felt the savings are. He said he felt they are very accurate as he and Ms. Frisco had several meetings with Service Electric.

Mayor Peterson thanked the Parks and Recreation Department for the excellent job with the recent concert in the park event.

Emergency Management

No new report.

Fire Department e-mailed to council
Report e-mail to Council.

Solicitor's Report

Solicitor Weiler reviewed his monthly activities with Council.

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the amended stop sign ordinance. Motion carried 7-0.

A **motion** was made by Councilman Lusky and seconded by Councilman Happel to approve the RAWA construction and utility easement for the waterline going to Birdsboro Power. Motion carried 7-0.

Municipal Services / Department Reports

Water Department: Report provided.

Wastewater Treatment Plant: Report provided.

Streets Department: Report provided.

Council/Committee Reports

Vice President McGee – Vice President McGee gave an update on the concert in the park and stated that the Grease Band did an excellent job and everyone enjoyed themselves. She expressed the purpose of Parks and Recreation Board and highlighted all the events that Parks and Recreation has already done in 2017 and wanted to thank the Recreation Board and all the volunteers for their help.

Councilman Uhniat - Councilman Uhniat thanked the Borough workers for weeding at Vest Pocket Park as his wife had done in the past but has not been able to recently because of illness.

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

Councilman Lusky - Councilman Lusky brought up the funding for the 2017 Christmas in Birdsboro event. Councilman Lusky stated that he didn't feel it appropriate to ask Birdsboro Power, Kiewit and J.P. Mascaro for large donations for Christmas in Birdsboro as they have donated monies for the roof repair at Friendship Fire Company.

A **motion** was made by Councilman Lusky and seconded by Vice President McGee to add an additional \$20,000 for Christmas in Birdsboro to come out of the additional monies provided by Birdsboro Power along with utilizing the \$18,800 already in the Harms Benefit fund for a total of \$38,800 to spend on the 2017 Christmas in Birdsboro event. Councilman Happel asked Councilman Lusky the cost of the ice sculptures and Councilman Lusky said \$30,000. Councilman Happel expressed his concerns about the extensive costs for the event. Councilman Myers stated that the Borough has several capital concerns that they need to take into consideration and there is the potential for a lot of projects that may need funding. Councilman Myers then listed the different community organizations that may need funding. Councilman Myers stated that this should have been discussed during the 2017 budget talks. Councilman Lusky reiterated the fact that the donations he thought he would get from J.P. Mascaro, Kewit and Birdsboro Power went to the repair of the roof at Friendship Fire Company which was an expense not known at the 2017 budget talks. Councilman Myers suggested postponing this expenditure. Borough residents, Jeff Kauffman and Mary Ann Cotter, voiced their concerns over this expenditure.

President Blank called for a roll call vote.

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

Motion carried 4-3.

Council recessed into Executive Session at 10:40 pm and reconvened at 11:05 p.m. Solicitor Weiler said the Executive Session was to discuss Police Department Contract Negotiations.

Public Comment on Non Agenda Items

No public comment.

ADJOURNMENT: The meeting adjourned at 11:08 p.m.

Respectfully submitted,

Aaron Durso
Borough Secretary