

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
SEPTEMBER 5, 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: Robin Levengood, Solicitor
Theodore Roth, Chief of Police

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.

Public Comment on Agenda Items

Borough resident, Jim Arms, noted his support of Christmas in Birdsboro and stated that he has been involved with the event since its start.

Councilman Uhniat provided text that he would like added to all Council meeting agendas. Councilman Myers asked if the public will be able to speak at the time of the Pioneer Crossing Landfill vote and it was noted they were given the opportunity during public comment on agenda items.

A **motion** was made by Councilman Uhniat and seconded by Councilman Lusky to add the following text to all future Council meeting agendas. “The purpose of Borough Council meetings is for Council members to publicly conduct Borough business; they are not intended to be meetings of the public. To maintain proper decorum, residents may address Borough Council at the time allotted for Public Comment on Agenda Items, after stating their name and address. Non-residents must also provide their name and address to address Borough Council. Residents and non-residents who do not provide their name and address, or who conduct themselves in an inappropriate manner (as determined by the President of Borough Council) will not be recognized to speak, and may be asked to leave the meeting”. Motion carried 7-0.

Minutes – August 21, 2017

A **motion** was made by Councilman Lusky and seconded by Councilman McCauley to approve the August 21, 2017 Council Meeting minutes as amended. Motion carried 7-0. Amendments are to include comments from Councilman Myers and Councilman Happel relating to the trash hauler discussion.

Bills List

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the Bills Lists dated September 5, 2017. Motion carried 7-0. Councilman McCauley asked a question regarding the expense for the Polyflex sealant from CrafcO.

A **motion** was made by Councilman Uhniat and seconded by Councilman Lusky to approve the checks for ratification dated August 22, 2017 through September 4, 2017. Motion carried 7-0. Councilman

Myers asked about the cost of the backhoe repair and President Blank said there were serious problems with the backhoe and it could not be repaired in house.

Manager's Report

2018 Animal Rescue League Agreement

A **motion** was made by Councilman Happel and seconded by Councilman McCauley to approve the 2018 Animal Rescue League Agreement. After discussion, Councilman Happel amended the motion to include the approval of a \$1,500 donation in 2018 to the Animal Rescue League. Motion carried 7-0.

Sewage Facilities Planning Module Exemption Mailer – Car Museum

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to approve the Sewage Facilities Planning Module Exemption Mailer for the Car Museum. Motion carried 7-0.

Engineer's Report

Engineer Boyer was not present.

Emergency Management

N/A

Fire Department

N/A

Mayor/Police Reports

Mayor Peterson noted a letter from a resident that was burglarized thanking the Police Department for the quick response to their 911 call. The burglary took place on Hopewell Street and Patrolmen Borz and Reinhart investigated the crime and an arrest was made.

Chief Roth stated that he will receive funding from District Attorney Adam's office which will cover most of the cost of an assault rifle and ammunition, an item that otherwise would have had to been placed in the 2018 budget. The cost of the rifle and ammunition will be about \$2,500.

Chief Roth noted two rental property owners that have refused to register their rental properties and one is housing criminals, and noted that the one property owner continues to plead guilty and pay the fines. Councilman Lusky suggested daily citations and President Blank noted that Council should review the rental ordinance.

Councilman Lusky noted that he is in support of the purchase of a new police vehicle. There was a brief discussion regarding the leasing of a new police vehicle.

Solicitor's Report

Pioneer Crossing Landfill Ordinance

A **motion** was made by Councilman Lusky and seconded by Councilman Uhniat to adopt the Pioneer Crossing Landfill Ordinance which provides the requirement that all haulers take all of Birdsboro Borough's refuse to Pioneer Crossing Landfill. Discussion ensued. Councilman Myers said he believes the underlying objective of the two ordinances being proposed is to drive the costs of operation up for

the haulers in the community and to impose restrictive requirements on them as to make it untenable for some to continue to service Birdsboro residents and noted he found this to be an affront to the free enterprise system. The trash haulers who are doing business in Birdsboro are employing local people, some of who are residents and taxpayers in the community. Councilman Myers stated he has nothing but a world of respect for Mr. Pat Mascaro and noted Mr. Mascaro's support of the community and if it were not for Mr. Mascaro's efforts and involvement Boyer's Market would not be in Birdsboro Borough. Councilman Myers stated in order to avoid any suggestions or appearance that the Borough is entering into a pay to play scheme, he opposes Borough Council's efforts to force all trash haulers to dump at Pioneer Crossing Landfill. Councilman Happel asked how the ordinance would be enforced and President Blank said that the landfill keeps track of the haulers and tonnages.

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 Reports

Councilman Uhniat – Councilman Uhniat asked for a motion to have PA Americana take out a ¼ page ad, which would reach 25,000 visitors, for the Christmas in Birdsboro Event. A **motion** was made by Councilman Lusky and seconded by Vice President McGee to authorize PA Americana to take out a ¼ page ad for Christmas in Birdsboro for the cost of \$300 with costs to be taken out of the monies raised by Parks and Recreation. Motion carried 7-0.

Councilman McCauley – Councilman McCauley noted the Pioneer Crossing Landfill Advisory Committee meeting was held August 23 and noted that there were only two odor complaints this year. Also noted was the overweight truck program that is in place.

Mayor Peterson requested the next Community Drop Off flyer be placed on the website when available.

Councilman Myers – Councilman Myers noted that American Legion 626 is taking donations for Harvey victims until noon on Thursday, items needed are bottled water, diapers, cleaning supplies and paper products. Councilman Myers asked, in light of the action taken on the Pioneer Crossing Landfill, why wouldn't Council consider an ordinance that would require all the Borough's restaurants to obtain their food ingredients and supplies from Boyer's Market?

Councilman Happel – Councilman Happel asked when the Pioneer Crossing Landfill Ordinance takes affect and it was noted 'in 30 days'.

Councilman Lusky – Councilman Lusky expressed concern regarding misinformation being put on social media.

Vice President McGee – Vice President McGee noted that Parks and Recreation’s Yard Sale is September 16 and also noted that the Love Loud event will be held September 23 in Main Bird Park.

President Blank – President Blank noted the paving machine that was purchased with monies from Emberclear and stated that the machine has been very helpful for the public works projects.

Public Comment

Leon Kemp of Kemp Sanitation noted concern of Pioneer Crossing Landfill having a 2-ton minimum and noted the high insurance requirement of \$3M. Councilman Lusky said he would look into the 2-ton minimum. Cindy Kemp of Kemp Sanitation said other haulers only carry \$1M of insurance coverage.

Doug Lebow, of 303 Stately Circle, noted he felt that Council is disrespectful to the residents and questioned why the trash studies that were utilized were from large cities and not comparable to the small population of Birdsboro.

Jeff Kauffman, of 7 Mansion Court E, asked that the agenda be posted on the Borough website and noted that if action items are not on the agenda they should not come up for action at the meeting.

Bonnie Poshefko, of 16 Mansion Court W, noted that it appears that Council struggles to work together. Ms. Poshefko also noted that the road surface in Mansion Heights is coming up after roadwork was done and felt that some of the road damage may not be caused by large trucks.

Council recessed into Executive Session at 9:00 p.m. Council reconvened at 9:36 p.m. Solicitor Levensgood noted the Executive Session was to discuss Police Department Contract Negotiations.

Birdsboro Elementary Center

Vice President McGee noted that the Daniel Boone School Board voted to close Birdsboro Elementary Center and no future use has been specified.

ADJOURNMENT: The meeting adjourned at 9:38 p.m.

Respectfully submitted,

Bonnie L. Frisco
Borough Administrative Assistant