

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
FEBRUARY 3, 2020 7:00 P.M. – BOROUGH HALL

Council Members Present: Joseph Peterson, Mayor
Neil McCauley, President
Mary Ann Cotter, Vice President
Richard Happel, Member
Robert Myers, Member
Anthony Scioli, Member
Matthew Welch, Member

Absent: Ashley Gieringer, Jr. Council Member

Staff & Professionals: Terry Weiler, Solicitor
Todd Trupp, Chief of Police
Kelly J. Yanos, Manager
Bonnie L. Frisco, Secretary/Treasurer

Call to Order: President McCauley called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag.

Opening prayer was led by Vice President Cotter.

Public Comment on Agenda Items: None

Minutes– January 6, 2020 Council Meeting

- **MOTION** was made by Councilman Welch and seconded by Councilman Myers to approve the January 6, 2020 Council meeting minutes. Motion carried 6-0. Amendments were discussed.
- **MOTION** was made by Councilman Welch and seconded by Councilman Scioli to approve the January 6, 2020 Council meeting minutes as amended. Motion carried 6-0. Amendments:
 - Under Council/Committee Reports: Note that Councilman Myers made the motion in the second bullet point also noting that Councilman Myers moved to rescind the original motion. The text addressing the Haycreek Pedestrian Bridge subcommittee to remain in the minutes.

Minutes - January 20, 2020 Council Meeting

- **MOTION** was made by Vice President Cotter and seconded by Councilman Scioli to approve the January 20, 2020 Council meeting minutes. Motion carried 6-0. Amendments were discussed.
- **MOTION** was made by Vice President Cotter and seconded by Councilman Scioli to approve the January 20, 2020 Council meeting minutes as amended. Motion carried 6-0. Amendments:
 - Under American Legion Post 626 Baseball Field, clarify that the ‘press box’ that may be possibly used as storage is the ‘old press box’.
 - Under Council/Committee Reports – fourth bullet should clarify that the high school will not be playing on the Legion Ball Field ‘the coming season due to field reconstruction’.

Bills List

- **MOTION** was made by Councilman Happel and seconded by Councilman Scioli to approve the Bills List dated February 3, 2020 and Checks for Ratification dated January 21, 2020 – February 2, 2020. Motion carried 6-0.

Engineer's Report

- Engineer Boyer reviewed his report with Council. Engineer Boyer noted the Planning Commission reviewed the VFW parking lot plan and it has been approved and is ready to go to construction, also noting that Land Development plans do not need to be recorded. It was clarified that MB Investments paid Engineer Boyer's fees for the VFW parking lot project. Vice President Cotter asked if the Borough is on track with MS-4 and Engineer Boyer responded by saying that the Borough has 4.5 years to complete the tasks under the MS-4 permit. President McCauley inquired about the status of the Haycreek Pedestrian Bridge, Engineer Boyer noted that flood analysis needs to be done and the wetlands are complete and reports are being finalized.

Manager's Report

- Manager Yanos provided an overview of the recycling grant documents. **MOTION** was made by Councilman Happel and seconded by Vice President Cotter to authorize the execution of the recycling grant agreement. Motion carried 6-0. **MOTION** was made by Vice President Cotter and seconded by Councilman Welch to execute the proper documents to appoint Manager Yanos as the Project Officer for the recycling grant. Motion carried 6-0.
- Manager Yanos requested an Executive Session for the purpose of personnel.

Mayor/Police Reports

- Mayor Peterson noted a significant police matter that occurred on January 23, 2020 and stated the Birdsboro Police Department and all other departments and teams did a great job handling the situation. There was discussion regarding the notification to residents and the reverse 911 program may be an option.
- Chief Trupp noted that Caernarvon Township forward their pistol range contract.
- **MOTION** was made by Vice President Cotter and seconded by Councilman Happel to authorize President McCauley to execute the policing agreement with Robeson Township. Motion carried 6-0.
- Chief Trupp noted a resident donation of \$25.00 and a \$1,000.00 donation from the VFW.

Emergency Management

Ken Imes, Emergency Management Coordinator, noted he is about completed with the emergency plan reviews and have submitted the Tier 2 reports. Councilmen Scioli and Welch will be the EMS team members from Council.

Fire Department

No new report.

Solicitor's Report

- Solicitor Weiler noted there is still a vacancy on Council. Solicitor Weiler is working on the Board of Health ordinance and has sent Councilman Welch the Sunshine Law and Right to Know Act information. Solicitor Weiler requested an Executive Session to discuss potential litigation.

Council/Committee Reports

- Councilman Myers noted the resumes for the Council seat are due Thursday, February 13 and one resume has been received for the Recreation Board. Vacancy items to be placed on the website.

- Councilman Welch thanked the Police Department for the way they handled the January 23, 2020 police incident.
- Councilman Happel noted that Jefferson Street is still a 15 mph zone and asked if that could be changed since the school is no longer open. Such a change would call for an ordinance. Chief Trupp suggested the speed limit remain the same as there are a lot of children in that area.
- Vice President Cotter commended the Police Department and commended the Streets Department relating to the spill clean-up on W. 1st Street. Vice President Cotter noted an award winning stem project city scape done by Immaculate Conception students and asked if they could possibility present their project at a council meeting. The Council thought that was a good idea and President McCauley suggested a resolution. Vice President Cotter noted the proposed new sunshine law that requires an agenda to be placed on the website 24 hours in advance and items not on the agenda may not be voted on. Vice President Cotter noted she would like to make a statement following the Executive Session.
- Councilman Scioli thanked the Chief and the Police Department for their good work on the January 23, 2020 police incident and thanked Mayor Peterson for addressing the issues involving social media.
- President McCauley thanked Chief Trupp and the Police Department.

Public Comment

- Steve Lusky, 211 Caravan Drive, asked about LTL Consultants and it was noted that this company does the building and code enforcement and Solicitor Weiler noted the fee schedule has been approved but the contract may need revising and that is being discussed with LTL Consultants representatives. Mr. Lusky inquired about the recycling tote order and questioned why the recycling tote order was cancelled. Mr. Lusky also noted the Right to Know request he submitted regarding e-mails exchanged regarding the recycling totes. Solicitor Weiler stated that at the last council meeting the motion to order the recycling totes was rescinded. Councilman Myers read out loud the e-mails that were the subject of the Right to Know request.
- Bruce Godfrey, 204 Hampton Street, asked if there were many accidents at the intersection of Union and Hopewell Streets and Chief Trupp noted there is not a history of accidents at that location.
- Lori Scioli, 611 Elm Street, asked if there is a cost to the residents for the proposed recycling totes and it was noted the new totes are free to the residents.

EXECUTIVE SESSION

- Council recessed into Executive Session at 8:30 p.m. and reconvened at 9:00 p.m. The Executive Session was to discuss personnel and potential litigation. The Right to Know request deadline is Friday. Councilman Myers read several e-mails between himself and Manager Yanos relating to the recycling totes. Vice President Cotter read related e-mails as well. Solicitor Weiler reiterated the motion to purchase the recycling totes was rescinded and the Council is to get the grant prior to purchasing the recycling totes.

ADJOURNMENT: The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Bonnie L. Frisco
Borough Secretary