

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
JUNE 15, 2020 7:00 P.M. – BOROUGH HALL
(Meeting held Teleconference)

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

Staff & Professionals: Terry Weiler, Solicitor
Todd Trupp, Chief of Police
Brian Boyer, Engineer
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– May 18, 2020 Council Meeting

- **MOTION** was made by Councilman Welch and seconded by Councilman Happel to approve the May 18, 2020 council meeting minutes as presented. Motion carried 7-0.

Bills List

- **MOTION** was made by Councilman Scioli and seconded by Councilman Welch to approve the Bills List dated June 15, 2020 and Checks for Ratification dated May 19, 2020 – June 14, 2020. Motion carried 7-0.
- **MOTION** was made by Councilwoman Kauffman and seconded by Vice President Cotter to approve the Treasurer’s Report dated June 15, 2020. Motion carried 7-0.
 - Vice President Cotter asked if the Community Center will be having a summer program and Manager Yanos noted they will have a modified Camp Adventure.
 - Councilman Myers asked about when the recycling bids go out and Manager Yanos noted the bidding process starts in August. The rising cost of recycling services was noted. Councilman Myers asked if the bills for flowers were duplicated and Manager Yanos noted they were not duplicate bills and the flowers were for different individuals.
 - It was noted the bill for LTL Consultants was mostly for the issuance of building permits.

Manager’s Report

- Manager Yanos announced the retirement of Carol McAllister.
- **MOTION** was made by Councilwoman Kauffman and seconded by Councilman Happel to keep the Borough Hall closed to the public until the Governor declares Pennsylvania is in the green status. Motion carried 7-0.
- **MOTION** was made by Councilwoman Kauffman and seconded by Councilman Happel to open the parks when the Governor declares Pennsylvania is the green status, contingent upon proper signage in accordance County regulations. Motion carried 7-0.

- Manager Yanos requested an Executive Session to discuss personnel.

Engineer's Report

- Engineer Boyer noted the American Legion Post 626 is in the process of getting contractor bids for the Legion Field Upgrades.
- Engineer Boyer noted a review letter from the DEP was received regarding the Haycreek Pedestrian Bridge submission and the application has been resubmitted to the DEP.
- Councilman Myers inquired about the monies for the Amorcast Road Bridge project, that item will be looked into.

Mayor/Police Reports

- Chief Trupp thanked all of those who helped with the protest and noted that the Police Department has made arrests for graffiti at the watershed. Chief Trupp thanked Councilman Scioli for helping with the Daniel Boone Graduation events. The Police Department rehab (flooring and paint) has been completed.
- Chief Trupp noted that when graffiti or other activities are observed it is best to call 911 instead of the Police Department directly as it can afford a quicker response time.
- Mayor Peterson noted the case of Glen Miller being denied by the Zoning Hearing Board to live in the camper that he had established on his industrial property on W. Main Street. Mayor Peterson asked Council if Glen Miller could be granted permission to reside in an RV on his industrial property on W. Main Street for 90-100 days out of the year. Solicitor Weiler reiterated, as was noted at the May 18, 2020 Council meeting, that the Zoning Hearing Board denied the variance for the camper and Mr. Miller did not appeal the decision of the Zoning Hearing Board; therefore, relief cannot be granted for such use and Council should adhere to the decision of the Zoning Hearing Board.

Council recessed into Executive Session at this time, 8:00 p.m. for the purposes of real estate, potential litigation and personnel.

Council returned from Executive Session at 9:00 p.m. and the regular meeting resumed. Solicitor Weiler noted that real estate and potential litigation was discussed in regards to the Motta property, a discussion which included representatives for the Berks County Redevelopment Authority. No decision was made. Solicitor Weiler noted personnel was discussed as well.

- **MOTION** was made by Councilman Welch and seconded by Vice President Cotter to hire BFS employee Tish Fries on a part-time basis, not to exceed 15 hours a week, with no benefits at the hourly rate of \$12.50 per hour. Motion carried 7-0.
- **MOTION** was made by Councilman Happel and seconded by Councilwoman Kauffman to authorize the advertising of the position Carol McAllister is retiring from. Motion carried 7-0.

Emergency Management

Kenneth Imes noted it appears the Governor plans to announce Pennsylvania to go to green status next Friday but there is no sign the Governor will rescind the Emergency Declaration.

Fire Department: No new report.

Solicitor's Report

- Solicitor Weiler recommended the July meeting be held by Zoom due to the potential of social distancing difficulties and President McCauley concurred.

Council/Committee Reports

- Vice President Cotter noted that at the Birdsboro Municipal Authority (BMA) meeting it was stated that the Maple Springs Pool loan due to the BMA in May will be paid by the end of June by a benefactor. Vice President Cotter inquired about fishing at the watershed, noting she does not recall fishing ever being allowed there and Manager Yanos noted the subject will be discussed at the next BMA meeting. Vice President Cotter thanked Chief Trupp and Pastor Farnsworth and all others involved for facilitating a peaceful protest and thanked the employees who worked on the downed trees from recent storms and their work on the water meter replacements.
- Councilman Scioli asked Mayor Peterson to relay to Chief Trupp the great job he did with the protest and the Daniel Boone Graduation events. Councilman Scioli noted the possibility of legislation relating to protests and Solicitor Weiler noted the potential for freedom of speech issues.
- Councilman Welch said it has been a good couple of weeks with the peaceful protest and the Daniel Boone Graduation events.
- Councilwoman Kauffman reiterated the great job being done by first responders and asked Mayor Peterson to relay that to the Police Department and asked if it is okay to use the playgrounds prior to green status and Mayor Peterson noted the Police Department is not taking enforcement actions for those using the playgrounds.
- Councilman Happel asked if the protest organizers can be billed for expenses incurred by the Borough for the protest and Solicitor Weiler noted he did not think so as it is akin to trying to bill a driver pulled over by the police, a homeowner being billed by the Fire Company, etc.
- Councilman Myers noted the e-mail in the packet which contained Return to Play Rules and Regulations from the Daniel Boone Athletic Association regarding the American Legion Field. There was discussion regarding the poor condition of the field and extensive work that has not been done yet by the parties responsible for the maintenance.
- **MOTION** was made by Councilman Happel to not allow the American Legion Field to be played on until the proper repairs are made. After further discussion Councilman Happel withdrew the motion.
- **MOTION** was made by Councilwoman Kauffman to not allow any playing on the American Legion Field while Pennsylvania is still in the yellow phase but revisit once in the green phase contingent upon the condition of the playing field. There was no second to the motion. Vice President Cotter noted concern regarding the Rules and Regulations and felt temperatures should be taken when individuals get to the ball field not when they are at home. Concerns of the field's condition and unevenness and lack of ongoing maintenance were noted. Mayor Peterson noted that the agreement was, when the athletic associations used the field they were to maintain it. Councilman Happel suggested to let the athletic association get the work completed on the field to get it ready for next year.
- **MOTION** was made by Councilman Happel to close the American Legion Field down for the season. Councilwoman Kauffman seconded the motion. Councilman Scioli asked why instead of closing down for the season can't the issue be addressed at the next Council meeting. Councilwoman Kauffman noted the athletic association can always come back to Council to request the field closure be revisited. Solicitor Weiler noted it is simply that until the time the Borough certifies the American Legion Field safe for playing the field should be closed.

Councilman Happel amended the motion to close the American Legion Field until the Borough certifies the field is safe for playing. Councilwoman Kauffman seconded the motion. Motion carried 6-1 with Councilman Myers voting no.

- President McCauley noted the Pioneer Crossing Landfill Committee has not met yet.
- President McCauley noted he assisted Telco with fixing the light at Jackson Street as the switch for the north side was stuck in the on position.
- President McCauley noted that to provide the full radius and new traffic light at 1st and Furnace Streets would cost about \$400,000 and without a grant would not be feasible. Also noted was the Birdsboro Power Plant noise issue has been rectified as a new muffler was installed to eliminate the noise.

Public Comment

- Tom Brungard, 908 Union Street, noted Rustic Park should not be used without the people paying and signs regarding sanitizing is important to absolve the Borough of liability. Solicitor Weiler suggested the park application contain language used by the County to address liability issues as a result of COVID-19. Mr. Brungard thanked Chief Trupp for a job well done with the protest.

ADJOURNMENT: The meeting adjourned at 9:57 p.m.

Respectfully submitted,

Bonnie L. Frisco
Borough Secretary