

Meeting Minutes of the  
**BIRDSBORO BOROUGH COUNCIL**  
**JANUARY 3, 2023 7:00 P.M. – BOROUGH HALL**

Council roll call:

Matthew Welch, President – absent  
Neil McCauley, Vice President - present  
Robert Myers, Member – present  
Mary Ann Cotter, Member - present

Thomas Brungard, Member –present  
Matthew Elgonitis, Member – present  
Alen Harris, Member - present

Also, in attendance were:

Christopher Muvdi, Solicitor  
Brian Boyer, Engineer  
Todd Trupp, Police Chief  
Kelly J. Yanos, Manager

**Call to Order:** Vice 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 Reverend Harris

**Visitor(s):** Jeff and Nancy Kauffman, Russell and Susy Lander, Anthony and Brenda Tucci, and Margaret Fiset

**Agenda Amendments**

**Birdsboro Rotary Club Person of the Year Presentation**

Nancy Kauffman of the Birdsboro Rotary Club presented the Rotary Club Person of the Year award to Christen Thompson of the Birdsboro Recreation Board.

**Public Comment on Agenda Items:** None

**Appointments**

- **MOTION** was made by Councilman Myers and seconded by Councilman Brungard to approve appointments (a through k) as listed below. Motion carried 6-0 for all appointments except for d) appointment of Councilwoman Cotter to the Birdsboro Municipal Authority and carried 5-0-1 for d) appointment of Councilwoman Cotter to the Birdsboro Municipal Authority with Councilwoman Cotter abstaining.
  - a) David Wheeler – Zoning Hearing Board – 3-year term to expire 12/31/25
  - b) David Seidel – Zoning Hearing Board Alternate – 3-year term to expire 12/31/25
  - c) Jeffrey Kauffman – Planning Commission – 4-year term to expire 12/31/26
  - d) Mary Ann Cotter - Birdsboro Municipal Authority – 5-year term to expire 12/31/27
  - e) Michael Gombar, Jr. and Christopher Muvdi – Planning Commission Solicitor
  - f) Charlie Benson –Vacancy Board
  - g) Bonnie L Frisco – Deputy Tax Collector
  - h) Fred Mogel – Zoning Hearing Board Solicitor
  - i) Robin Emerick – Recording Secretary – Civil Service Commission

- j) Dan Becker – Solicitor - Civil Service Commission
- k) Brown and Brown - Borough's Insurance Agent

### **Adoption of the following Resolutions**

- **MOTION** was made by Councilman Harris and seconded by Councilwoman Cotter to approve the Resolutions 2023-01 through 2023-18 as listed below. Motion carried 6-0 for all resolutions except for 2023-09 – Appoint Herbein & Company as the Independent Auditor and carried 5-0-1 for 2023-09 – Appoint Herbein & Company as the Independent Auditor with Councilwoman Cotter abstaining due to conflict of interest.
  - 2023-01 - No Employee Contribution to Police Pension Plan
  - 2023-02 – Appoint Kelly J. Yanos as Borough Manager
  - 2023-03 – Appoint Berks EIT Tax Bureau as EIT and LST Tax Collector
  - 2023-04 – Appoint Brian Boyer of Boyer Engineers as Borough's Engineer
  - 2023-05 – Appoint Kenneth J. Imes, Jr. as Emergency Management Coordinator
  - 2023-06 – Appoint Bonnie L. Frisco as Borough Secretary and Treasurer
  - 2023-07 – Appoint Truist Bank (formerly BB&T) as the Investment Institution
  - 2023-08 – Appoint William Horn of LTL Consultants, Ltd. as the Zoning and Codes Officer
  - 2023-09 – Appoint Herbein & Company as the Independent Auditor
  - 2023-10 – Appoint Masano Bradley as the Borough Solicitor
  - 2023-11 – Appoint Vist Bank as the Depository for Operating Funds
  - 2023-12 – Re-enacting the Real Estate Transfer Tax
  - 2023-13 – Appoint Bonnie L. Frisco as the Admin Officer of the Borough Pension Plans
  - 2023-14 – Appoint Kenneth Templin as the Fire Marshal and Fire Code Inspector
  - 2023-15 – Appoint Barry Katzin and Kenneth Imes, Jr. as the Deputy Fire Marshals and Deputy Fire Code Inspectors
  - 2023-16 – Appoint Anthony Scioli and Matthew Welch as the Deputy Emergency Management Coordinators
  - 2023-17 – Reappoint David Wheeler to the Zoning Hearing Board
  - 2023-18 – Reappoint David Seidel (Alternate) to the Zoning Hearing Board

### **Minutes– December 5, 2022 Council Meeting**

- **MOTION** was made by Councilman Myers and seconded by Councilman Brungard to approve the December 5, 2022 council meeting minutes as amended to include the comments distributed by Councilwoman Cotter. Motion carried 6-0. Councilwoman Cotter comments are as follows:

**Birdsboro Power Accommodation Fee Renegotiation – MOTION** was made by Councilman Myers and seconded by Councilwoman Cotter to hold the accommodation fee paid after 12/31/22 in escrow until allocation is renegotiated. Anthony Tucci objected from the audience that there was a conflict of interest, as Councilwoman Cotter serves on both Council and the Municipal Authority. On the advice of the Solicitor, Councilwoman Cotter rescinded her second. *Secretary's note - Councilwoman Cotter requested that these minutes be amended to include her contention that Anthony Tucci's actions were out of order, as he was not recognized by the Council President, it was not the appropriate time for public comment, and he was not acting in his official capacity of Municipal Authority Chairman.* Councilman Myers agreed to rescind the original motion and made a

**MOTION** to hold the accommodation fee paid after 12/31/22 in escrow until allocation is renegotiated. Councilman Brungard seconded the motion. Motion carried 6-0.

#### **Minutes– December 19, 2022 Budget Meeting**

- **MOTION** was made by Councilwoman Cotter and seconded by Councilman Elgonitis to approve the December 19, 2022 council meeting minutes as amended. Motion carried 6-0. Councilman Myers requested that his comment made to Anthony Tucci be included in the December 19, 2022 minutes. Councilman Myers asked Anthony Tucci why the ambulance cost increase was more for Birdsboro Borough than some of the other communities and Anthony Tucci noted the cost was more because the other communities had higher call volume.

#### **Bills List**

- **MOTION** was made by Councilwoman Cotter and seconded by Councilman Harris to approve the Bills List dated January 3, 2023 and Checks for Ratification dated December 20, 2022– January 2, 2023. Motion carried 6-0.

#### **Interim Bills and Payroll**

- **MOTION** was made by Councilman Myers and seconded by Councilman Brungard to approve the Interim Bills and Payroll. Motion carried 6-0.

#### **Manager’s Report**

- **Ratify Resolution No. 2022-25 (Comcast Franchise Agreement) – MOTION** was made by Councilman Brungard and seconded by Councilman Harris to ratify Resolution No. 2022-25 memorializing the action taken on November 21, 2022, to approve the Comcast Franchise Agreement. Motion carried 6-0.

#### **Engineer’s Report**

- Engineer Boyer reviewed his report with Council, a copy of which will be kept on file.

#### **Mayor/Police Reports**

Chief Trupp noted the ongoing investigation into the Rustic Park vandalism. Also noted was the rooster issue at Jefferson and Cocalico Streets and noted that two more citations have been issued. Chief Trupp reviewed the 2022 stats and noted that there were 200 more calls in 2022 vs. 2021.

#### **Municipal Services / Department Reports**

- **Wastewater Treatment Plant:** Report included in the next Council packet
- **Water Treatment Plant:** Report included in the next Council packet
- **Streets Department:** Report included in the next Council packet

#### **Recreation Board**

- Christen Thompson noted that Beautify Birdsboro will be held Earth Day weekend, vendors are being gathered for the Farmer’s Markets, and the movie night will be reinstated.

**Emergency Management:** No new report

**Fire Department:** No new report

### **Solicitor's Report**

Solicitor Muvdi noted that himself and Solicitor Gombar met with Manager Yanos and Solicitor Weiler to discuss the Solicitor transition and they will start work on the 2022 Model Stormwater Ordinance.

### **Council/Committee Reports**

- Councilman Brungard suggested the Borough website be revised for better usability.
- Councilman Elgonitis welcome Masano Bradley as the new solicitors.
- Councilwoman Cotter noted at street light out at 8<sup>th</sup> and Elm.
- Councilman Harris noted that he and Councilman Elgonitis are working on the ambulance matter and they have spoken to Tower Direct and they are working on a letter of intent. It was suggested that they meet with Anthony Tucci, of Western Berks Ambulance, so there is proper comparison.
- Councilman Myers commended Councilmen Harris and Elgonitis on their assistance with the ambulance service matter.

### **Old Business**

- **Western Berks Ambulance** – There was discussion regarding the ambulance service. The Borough Manager was directed to publicize that Tower Health and Western Berks will be onsite to discuss ambulance service at the next Council meeting. Community input at this meeting is encouraged.
- **Birdsboro Power Accommodation Fee – MOTION** was made by Councilman Myers and seconded by Councilman Harris to rescind the former motion to hold the Birdsboro Power Accommodation Fee monies in escrow. Motion carried 5-0-1 with Councilwoman Cotter abstaining due to her being a member of the Birdsboro Municipal Authority.

### **Public Comment**

- Jeffrey Kauffman, 7 Mansion Court E, asked if the 2023 \$25,000 good faith measure relating to the Birdsboro Power Accommodation Fee negotiations is still in place and it was noted that it was.
- Russell Lander, 534 Silverbrook Drive, asked if the Tower Health contract will be voted on the next meeting. Council responded that they didn't know.

**Adjournment:** The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Bonnie L. Frisco  
Borough Secretary