

BIRDSBORO BOROUGH COUNCIL MEETING  
APRIL 5, 2010, 7:00 P.M. – BOROUGH HALL

**MINUTES**

**PRESENT:** Aaron J. Durso, President  
Tom Kanuck, Member  
Kenneth J. Templin, Member  
Neil McCauley, Member  
Angelene McKinney, Member (Arrived 7:08 p.m.)  
Karen T. Willman, Borough Manager  
Robert M. Myers, Mayor  
Theodore R. Roth, Chief of Police  
Terry D. Weiler, Solicitor  
Thomas Yuhas, Horizon Engineers  
Theodore Morse, Municipal Authority representative

**ABSENT:** Nancy Kauffman, member  
Steve Lusky, Vice President

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Durso called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag.

**PUBLIC COMMENT ON AGENDA ITEMS**

Cindy McGee, 101 N. Spruce Street, said that a dumpster has been parked on Spruce Street and it is still. She said she has notified the Police Department, but no one has gotten back to her. After some discussion, Mr. Weiler suggested that a letter be written asking them to move it to the back yard; he will work with Chief Roth on the issue.

Ms. McGee said he is very concerned with the proposed Master Fee Schedule; she would not want Council to approve prohibitive fees.

Emma Finn, asked Council to keep in mind that people are struggling; 75% of residents on her street are now unemployed. Higher fees will prohibit residents from making improvements and will actually cause property values to plummet.

**BILLS LIST:** Mr. Cauley referenced an invoice for a Motorola radio in the amount of \$3,100; he asked if this amount had been budgeted and where is the radio from the vehicle being replaced. Chief Roth said the \$3,100 had been included in the budget and the current radio cannot be switched to narrow band; however, it can be used in other borough vehicles (i.e., public works) until 1/1/13. Mr. McCauley requested more information on the County Commissioners' unfunded mandate.

**BROWN & BROWN OF LEHIGH VALLEY:** Paul Pugielli of Brown & Brown was present to clarify some issues raised during his presentation at the last Council meeting. He said that the carrier is Standard Insurance Company, which is an A-rated company. It matches or exceeds the current coverage levels for all employees except the Chief of Police who be covered at a higher level in accordance with his contract.

## **MAYOR/POLICE REPORTS**

Mayor Myers commented that he was approached by Birdsboro and Union fire department volunteers who asked if the borough would permit the use of the tennis courts for “deck” hockey. They said they had been playing there, but were forced to stop. They are requesting permission to resume playing. Mr. Kanuck said this was an issue in the past because the surface was being destroyed by the hockey sticks; signs were subsequently posted. The consensus of Council is to continue to prohibit “deck” hockey.

Mayor Myers also reminded Council members to complete their police executive research forum survey; the deadline is April 30, 2010. If forms are turned in at next week’s meeting, the Mayor will forward them to the county as a group.

Sale of Equipment: Chief Roth said he asked Ms. Willman to prepare a resolution authorizing the sale of a prisoner transport cage to Mr. Bradley Buchanan in the amount of \$100.00.

**Upon motion made** by Mr. Kanuck and seconded by Mr. McCauley, Resolution #2010-11, authorizing the sale of equipment to Bradley Buchanan of 455 W. 2<sup>nd</sup> Street, Birdsboro, PA 19508 in the amount of \$100.00 was unanimously adopted.

Sale of Police Car: Mr. Roth stated that he would like to make the 2003 Crown Victoria available for sale by having it advertised on municipal websites.

**Upon motion made** by Mr. Kanuck and seconded by Mr. Templin, Resolution #2010-12, authorizing advertisement of the 2003 Crown Victoria, VIN #2FAFP71W83X140567, for sale, was unanimously adopted.

Police Secretary: Chief Roth advised that Carol McAllister began her employment with the borough today and feels she will fit in well with the department. He thanked Council for allowing her to be a full-time employee.

## **ENGINEER’S REPORT**

EPA Order for Compliance: Mr. Yuhas advised that the Environmental Protection Agency issued an Order for Compliance which was received by the borough on March 26, 2010. The notice cites “unauthorized work on the property located along Armorcast Road” where fill was deposited in the old canal area without a permit from the Army Corps of Engineers. Mr. Yuhas said that Ms. Willman contacted Mr. Lutte of the EPA to acknowledge receipt of the Order and to express the borough’s willingness to cooperate in remedying the situation. A meeting has been arranged with representatives of EPA, DEP and ACE on Thursday, 4/8/2010 at 9:00 a.m. when the area of remediation will be delineated. Ms. Willman advised Council that if the borough doesn’t cooperate, the issue will become more serious and could result in steep daily fines. She requested authorization to have Seth Bacon, an environmental engineer, present at the April 8<sup>th</sup> meeting since he would have a better understanding of what is involved in the event that a site survey and/or bore testing is required. Ms. Willman says Mr. Bacon charges \$75.00 an hour and anticipates that no more than four-hours would be required.

**Upon motion made** by Mr. Templin and seconded by Mr. Kanuck, authorization was granted to use the services of Seth Bacon, Environmental Engineer, at the cost of \$75.00 per hour, with hours not to exceed 4. Motion passed unanimously.

Grading Ordinance: Mr. Yuhas said that council members received a grading ordinance for review prior to next week's Council meeting. He said these types of ordinances can be pretty strong, but there is also a provision whereby the engineer is able to grant relief.

Mr. Weiler interjected and said the "game plan" is to have everyone review the suggested draft ordinances that were included this weekend in their meeting packet, with a motion to advertise at the next council meeting. In a quick review of the proposed fee schedule, Mr. McCauley said that the Municipal Authority should have some input into Section (I).

Rental Inspection Ordinance: Mr. Yuhas said that to date, we have received only one application with regard to a property on Cinder Street. As previously suggested, we will send notices to residential rental property owners reminding them to register with the borough.

Road Paving Projects: Mr. Yuhas commented that with regard to the planned road projects in 2010, he and Ms. Willman met with Gerry Fry of PennDOT and Alan Pipe of the Berks County Planning Commission relative to road work which may qualify for Federal funds if round 2 of the jobs creation bill is passed by Congress. Paving projects that were discussed were Cocalico Road between Jefferson Street and the borough line, W. First Street from Route 82 to Jackson Street; and E. First Street from Water Street to Route 345. Mr. Yuhas deferred to Ms. Willman for an update.

Ms. Willman advised that the proposed paving of Cocalico Road had been determined eligible for Federal funding from the proposed bill. However, she said she was also told that the proposed bill will not be passed any time soon, if at all.

Mr. Yuhas asked Council if they wished to include Cocalico Road in the road paving bid along with the Maple Springs Development or if they preferred to hold Cocalico Road in abeyance pending passage of the jobs creation bill.

**Upon motion made** by Mr. McCauley and seconded by Ms. McCauley, Council authorized holding the Cocalico Road Reconstruction project in abeyance pending passage of the jobs creation bill. Motion passed unanimously.

G.E.M. Storage Land Development: Mr Yuhas advised that a proposed approval resolution was prepared for Council's consideration and it was included in the packets for this evening.

### **SUBDIVISION AND LAND DEVELOPMENT**

G.E.M. Storage (LD2010-01): Glenn Miller, applicant, was present. Mr. Yuhas stated the plan was reviewed by the Berks County Planning Commission and that the Birdsboro Planning Commission reviewed and recommended the plan for approval, with acceptance of the waivers requested. A draft approval resolution was prepared for the Council's consideration. Mr. McCauley commented that this is the first time he has seen this plan and would like additional time to review it before bringing it to a vote.

Mr. Kanuck said that there should be no problem with approving the plan as long as it was recommended for approval by the borough Planning Commission as well as other outside agencies.

**Mr. Kanuck motioned** to adopt Resolution LD2010-01 and to accept the waiver requests of the applicant. Mr. Templin seconded the motion. It is noted that Messrs. McCauley and Durso and Ms. McKinney voted against approval. Motion failed 3-2.

This plan review will be placed on the 4/12/10 meeting agenda.

Mr. Durso asked if anyone had any questions for Chief Roth before his dismissed from the meeting.

Emma Finn asked if it would be helpful to residents to contact other elected officials to protest the mandate to switch from wide band to narrow band transmission since it would result in a very big impact to all residents. Chief Roth commented that residents would be more helpful if they were to contact the County Commissioners regarding the financial impact to all municipalities.

### **MANAGER'S REPORT**

- a. State Tax Refund: Ms. Willman advised that Kelly Yanos had discovered that state tax was being charged on the borough's electric bills. She applied to Met Ed for a rebate and received \$5,436.48, most of which was credited to the sewer plant.
- b. Library Board Vacancies: Ms. Willman advised Council that there are currently two vacancies on the library board. Interested parties should fill out a volunteer application which are on the borough's website or can be picked up at borough hall.
- c. Reading Area Transportation Study: Ms. Willman advised that she distributed RATS information to all council members just prior to the start of this meeting. Some of the highlights are:
  - i) The borough's Cocalico Road reconstruction project was approved by PennDOT for Federal funding under the proposed jobs creation bill. However, it is not anticipated that this bill will pass any time soon, if at all.
  - ii) BARTA will extend its bus service to Birdsboro, with seven trips serving the area; representatives of BARTA will be in touch with borough in the near future.
  - iii) PennDOT has announced that it will fund handicap ramps along Route 724, with construction to begin in 2010. However, it is important to note that the borough will be responsible for maintenance and future upgrades should the ADA specifications change in the future.
  - iv) It was announced by Gerry Fry of PennDOT will be leaving his position at the end of April 2010. It is not known whether he is leaving PennDOT altogether or moving with PennDOT.

- d. Request for Reimbursement: Butch Breidenstein submitted an invoice for the purchase of a new air hammer to replace his personal tool which broke while working on borough equipment.

**Upon motion made** by Mr. Kanuck and seconded by Mr. McCauley, authorization to reimburse Mr. Breidenstein for the purchase of an air hammer to replace his personal air hammer which broke while working on borough equipment was unanimously granted.

- e. Notary: Ms. Willman advised that Wendy Murray has completed the educational and testing process to become a notary and is now commissioned.
- f. Spring Clean-up: Ms. Willman advised that a spring clean-up has been scheduled for Saturday, April 24<sup>th</sup> from 6:00 a.m. to 11:00 a.m. at Pioneer Crossing Landfill. Household items are to be taken to the landfill as there will be no pick-ups done.
- g. Various Clean-up Information from Berks County Solid Waste Authority:
- h. Ms. Willman said several clean-up days have been scheduled throughout the county for such things as electronics, tires, etc. Information has been placed on the table next to the agendas for anyone who is interested.
- i. Backhoe Repairs: Ms. Willman advised that the cost of repairing the public works department backhoe is in the \$2,000 range for replacement parts, not \$10,000 as previously reported.

### **SOLICITOR'S REPORT**

Zoning Ordinance: Mr. Weiler advised that Council is in receipt of the Berks County Planning Commission review of the proposed zoning ordinance. This ordinance will be placed on the 4/12/10 meeting agenda for a vote.

General Code Update: Mr. Weiler said that he, Tom Yuhas and Ms. Willman met with Earl Babb of General Code on March 31<sup>st</sup> in order to "regroup" and determine the next step with regard to the codification. Mr. Babb said that the Borough still owes a \$2,745 balance on this project; however, due to the amount of time that has elapsed and delays on their part as well as the borough's, General Code is willing to work with us. Ordinances adopted after September of 2008 will be charged at full price; the cost of including the new zoning ordinance in the manuscript will be charged at 50%. Included in the price will be the preparation of the adopting ordinance for the codified code.

### **EMERGENCY MANAGEMENT**

Security Camera: Ken Imes proposed the installation of a security camera at an undisclosed location to, hopefully, eliminate vandalism. The cost of the camera system, which is accessed through the internet, is \$1,500. Mr. McCauley said that the borough spent a lot of money on a camera system a few years ago which should work in this situation. After some discussion, the issue was tabled until the 4/12/10 meeting.

Dry Hydrant: Mr. Imes advised that the replacement parts for the dry hydrant that was damaged a few weeks ago have been donated and the repair will be made as soon as possible.

**COUNCIL/COMMITTEE REPORTS**

Mr. Kanuck said the radio issue is a subject of big discussion at the Communications Center.

Pioneer Landfill: Mr. McCauley said the Pioneer Landfill had two odor complaints last month. Anyone wishing to register and odor complaint may call the 800 number which is listed on the sign outside the landfill.

PWD Building Expansion: Mr. Yuhas asked Council to consider waiving the building permit fee for the PWD facility expansion.

PWD Expansion/Building Permit: **Motion was made** by Mr. Kanuck and seconded by Ms. McKinney to waive the building permit fee for the borough's PWD facility expansion project. Motion passed unanimously.

**ADJOURNMENT**: **Upon motion made** by Mr. Kanuck and seconded by Mr. Templin, the meeting was unanimously adjourned at 9:25 p.m.

Respectfully submitted,

Karen T. Willman  
Borough Manager/Secretary